

TO:

Rule 28 Distribution

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Hon Norman J Davis, Presiding Judge, Maricopa County Superior Court,
Central Court Building

ATTACHMENT*

**MARICOPA COUNTY SUPERIOR COURT
LOCAL RULES OF PRACTICE**

RULE 1. ADMINISTRATION

Rule 1.1. Hours of Court

a. Department of Administration and Clerk's Office. The Superior Court Department of Administration and the Office of the Clerk of the Superior Court will be open for business from 8:00 a.m. until 5:00 p.m., ~~except Saturday, Sunday and legal holidays~~ unless otherwise directed by the Presiding Judge of the Superior Court.

b. Trial Divisions. ~~Unless otherwise directed by the trial judge, trials will be held between the hours of 9:30 a.m. and 12:00 noon, and 1:30 p.m. and 4:30 p.m.~~

Rule 1.2. Organization and operation of eCourt

a. Judicial Services. The court shall be divided into as many judicial divisions as there are judges, and each division shall have a numerical designation specified by supplemental order.

b. Specialized Divisions Departments. The court shall consist of departments designated by the following specialized divisions Presiding Judge, each under the administrative authority of a Department Presiding Judge selected by the Superior Court Presiding Judge, including:

- (1) Civil;
- (2) Criminal;
- (3) Family Court; Domestic Relations;
- (4) Juvenile;
- ~~(5) Presiding Judge;~~
- (5) (6) Probate; and
- (6) Tax.
- ~~(7) Special Assignment~~

c. Assistant Presiding Judges. ~~For purposes of administration and operation of the court, the Presiding Judge of the Superior Court may appoint an associate presiding judge and a presiding judge for each of the various specialized divisions of the court, except the presiding judge of the juvenile divisions who shall be appointed pursuant to A.R.S. § 8-202.~~

* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

d. Departments and Offices. ~~The court shall include the following departments and offices:~~

- ~~(1) Adult Probation Department;~~
- ~~(2) Clerk of the Superior Court;~~
- ~~(3) Conciliation Services;~~
- ~~(4) Judicial Information Systems;~~
- ~~(5) Justice Court Administration;~~
- ~~(6) Juvenile Court Center;~~
- ~~(7) Law Library; and~~
- ~~(8) Superior Court Administration.~~

Rule 1.3. Operation of Court

The Presiding Judge shall be responsible for the day-to-day administrative operation of the court as provided by law and these rules. The Presiding Judge shall organize the administrative structure of the court, including the adult and juvenile probation departments, in consultation with the Court Administrator. The Presiding Judge may appoint an executive committee of judges to assist in the administrative operation of the court.

Rule 1.4. ~~Temporary sessions outside of county seat~~ Court Proceedings in Other Locations

a. Authorization. Pursuant to A.R.S. § 12-130, ~~sessions of court proceedings for~~ the Superior Court may be held at places other than ~~the county seat when in the opinion of a majority of the judges of this court, the public interest so requires~~ regular court facilities upon approval of the Presiding Judge, provided adequate facilities and court staff are available for such proceedings sessions.

b. Court Commissioners. ~~A court commissioner appointed by the presiding judge may hold sessions of this court at such locations outside of the Justice Center, provided adequate facilities and staff are available at such locations. Such commissioner shall have such powers and duties as are provided by Rule 91, Rules of the Supreme Court, provided the commissioner is so assigned by the presiding judge.~~

e.b. Notice. In all matters which are noticed for a hearing at ~~such a non-county seat sessions court facility~~ authorized by this rule, whether by notice issued by the eClerk of the Superior Court, or by an order to show cause or some other document determining setting the time and place of hearing, there shall appear in the caption of such notice, order or other document, the words “For _____ hearing” and in the body thereof, at or near the portion fixing the time and date of hearing, the words “For hearing at the _____ session of the court”, inserting in said blank spaces the place of hearing. ~~In the event of non-compliance with this paragraph, the matter will be heard at the Justice Center in Phoenix.~~

d.c. Calendar. ~~The court commissioner judicial officer presiding at any such session proceeding shall maintain a calendar of all matters to be heard. Litigants, or their counsel, who desire to proceed at such sessions a non-court location shall confer with the office of the court commissioner judicial officer and arrange for a time on the commissioner's judicial officer's calendar.~~

e.d. Objection to Proceeding Session. Matters scheduled for hearing at ~~such sessions a non-court location~~ shall be heard there unless a written objection is filed ~~in~~ with the clerk's office Clerk of the Superior Court and served. ~~and Unless the case is subject to electronic filing, a copy thereof of the~~

~~objection shall be delivered to the office of the court commissioner~~ judicial officer by 5:00 p.m. of the second business day preceding the day of hearing. ~~If timely objection thereto is filed, such matter shall not be heard at such session, but shall be referred by the office of the court commissioner to an appropriate judge or commissioner in Phoenix.~~

f.g. Posting of Hearing Times. All notices, orders to show cause and other documents specifying times for hearing under this rule which are required to be posted shall be posted in the usual public places ~~in Phoenix.~~

g.f. Files and Records. All files and records shall be maintained ~~in by the office~~ Clerk of the ~~clerk in Phoenix Superior Court~~ and such portions as are necessary shall be taken by authorized personnel to such ~~proceeding session~~ on hearing days only. In the event counsel desires any particular record or file from the ~~clerk's office~~ Clerk of the Superior Court to be made available, counsel shall notify the ~~commissioner's office~~ judicial officer not later than 5:00 p.m. on the day before each ~~session~~ proceeding.

h.g. Duties of Deputy Clerk. The Clerk of the Superior Court shall provide a deputy clerk experienced in courtroom procedures, who shall be present at all ~~temporary sessions of the court presided over by the commissioner~~ proceedings under this rule. The deputy clerk shall not accept documents for filing or receive filing fees relating to matters not before ~~such commissioner~~ the judicial officer unless authorized by the Clerk of the Superior Court. All files and records for such ~~sessions~~ proceedings shall be taken by the clerk and returned as expeditiously as possible so they will not be out of the ~~clerk's office of the Clerk of the Superior Court~~ longer than necessary.

i.h. Court Reporter. No court reporter will be available for such ~~session~~ proceedings unless counsel shall, before 5:00 p.m. on the second day preceding the day on which the attendance of said reporter will be required, notify the ~~office of the court commissioner~~ judicial officer that the services of a court reporter are required. The ~~court commissioner~~ judicial officer shall thereupon arrange for a court reporter at county expense.

j.i. Time and Place of Sessions-Proceedings. The time and place of ~~sessions~~ proceedings authorized pursuant to A.R.S. § 12-130 shall be designated by the Presiding Judge.

Rule 1.5. Visiting jJudges

The ~~p~~Presiding Judge, or at the ~~p~~Presiding jJudge's direction, the ~~e~~Court aAdministrator, shall schedule visiting judges and arrange for adequate staff and facilities. ~~A judge of this court shall not arrange for a judge from another county to preside in this court at a place other than the courtroom of the judge making such arrangements unless adequate staff and facilities are available.~~ Any judge of this court who will be absent or sitting outside of Maricopa County shall notify the ~~p~~Presiding jJudge of such absence and advise the ~~p~~Presiding jJudge concerning the availability of the judge's staff and arrangements for coverage during the absence.

Rule 1.6. Judges' Bench mMeetings

The ~~judges~~ judicial officers of the court shall, from time to time, upon call of the ~~p~~Presiding jJudge, hold meetings to ~~discuss and provide information, discuss problems, obtain approval of the bench when~~ required by court rule, resolve problems of the court, ~~including approval of the Local Rules of Practice,~~

~~issuance of supplemental orders, special assignments, uniform practices, personnel and calendar problems, and discuss~~ any other matters relating to the overall functions of the court. A written agenda shall be prepared by or at the direction of the presiding judge and shall be distributed in advance of the meeting. Written minutes of the meeting shall be prepared. ~~Unless the judges shall otherwise provide, R~~egular monthly meetings of the judges and commissioners shall be held ~~in the judges' conference room on the first and third Wednesday of each month at 12:15 p.m.~~, except in the months of July and August. A special judges' meeting may be called at the written request of ten (10) judges when presented to the presiding judge. Any judge may place an item on the agenda of a regularly scheduled meeting by request in writing not less than five (5) days prior to the meeting.

Rule 1.7. Committees

The presiding judge shall create and appoint judges to various standing committees and shall create and dissolve *ad hoc* committees when special circumstances occur. ~~The standing committees may include but are not limited to:~~

~~Adult Probation and Criminal Rules
Building and Security
Civil Rules
Court Commissioners
Court Reporters
Domestic Relations
Jury
Law Library
Liaison
Salaries and Personnel
Security
Statistics
Training and Education
Uniform Standards and Procedures~~

Rule 1.8. Budget

a. Preparation. ~~Each judge of the court, each court commissioner, the court administrator, the jury commissioner, the director of conciliation, and the director of the law library and other persons shall, no later than sixty (60) days prior to the date for submission of the budget to the board of supervisors, prepare and submit to the court administrator a request for the following fiscal period. The ecort admistrator shall prepare the requested budget for the Superior Court and shall submit it to the presiding judge with any recommendations at least ~~fifteen (15)~~ thirty (30) days prior to the date for submission to the board of supervisors. The presiding judge shall review the budget. The presiding judge shall submit the budget of the court, as submitted by the ecort admistrator, or as revised by the presiding judge, to the board of supervisors.~~

b. Review by Presiding Judge. ~~Copies~~ A copy of the budget requests of the eclerk of the eort ~~and the Juvenile Superior Court Center~~ for the following fiscal period shall be transmitted to the presiding judge for the presiding judge's information not later than fifteen (15) days prior to the date for submission of the budget to the board of supervisors.

c. Adult Probation Departments. The chief ~~adult~~ probation officers shall prepare the requested budget for the ~~Adult~~ respective Probation Departments and shall submit it to the ~~presiding judge at least fifteen~~ ~~(15)~~ Court Administrator no later than sixty (60) days prior to the date for submission to the board of supervisors. The ~~presiding judge~~ Court Administrator shall review the budget of the ~~Adult Probation Department~~ submission and if it meets with the ~~presiding judge's~~ approval, shall submit it the budget with any recommendations at least thirty (30) days prior to the date for submission to the board of supervisors. The Presiding Judge shall review the budget. The Presiding Judge shall submit the budget of the court, as submitted by the Court Administrator, or as revised by the Presiding Judge, to the board of supervisors.

Rule 1.9. Law Library

a. Administration. The ~~p~~Presiding ~~j~~Judge shall be responsible for the administration of the county law library. Daily operation of the library shall be delegated to the library director who shall be selected by and serve at the pleasure of, the ~~p~~Presiding ~~j~~Judge.

b. County Law Library Committee. A county law library committee shall be appointed by the ~~presiding judge~~ consisting of an equal number of judges and members of the State Bar of Arizona residing in Maricopa County. The ~~presiding judge~~ shall designate one of the judges as chairperson. The committee shall make recommendations to the ~~presiding judge~~ concerning library policy matters, the budget for the library and the operation of the library.

e.b. Policy Rules and Regulations. The ~~p~~Presiding ~~j~~Judge shall adopt and publish policy rules and regulations governing the operation of the library.

Rule 1.10. Court ~~r~~Reporters' ~~n~~Notes, ~~e~~Electronic ~~r~~Recordings, ~~d~~Duties of ~~e~~Clerk and ~~r~~Reporters and ~~d~~Destruction of ~~n~~Notes

a. Scope. This rule shall apply to all official court ~~r~~reporters' records as specified in the current Records Retention and Disposition Schedule of the Arizona Supreme Court, in any approved format recorded, to include electronic notes taken, in trials or proceedings in any division of this court or before any- commissioner, master or referee hearing officer.

b. Responsibility of Court Reporters.

(1) *All Reporters.* It shall be the responsibility of all reporters employed in any capacity by this court to be aware of and comply with all provisions of this rule. All court reporters, including per diem or contract reporters, shall keep the ~~records management center administrator in the office of the clerk of this~~ Clerk of the Superior ~~e~~Court advised of their current address and telephone number.

(2) *Official and Deputy Court Reporters.* All official court reporters of this court shall be responsible for the safekeeping of their notes and the notes of their deputies until the notes have been delivered and accepted for storage by the ~~e~~Clerk of ~~this~~ the Superior ~~e~~Court pursuant to this rule.

(3) *Per Diem Court Reporters.* All court reporters employed by the court on a per diem or other contract basis shall retain physical possession of their notes while also ensuring their accessibility by the court.

The notes shall be presented to the eClerk of ~~this the Superior eCourt~~ for storage when the notes for a given case category completely fill a prescribed storage container or upon the reporter's permanently leaving the state of Arizona. The notes shall be presented to the eClerk of ~~this the Superior eCourt~~ in the manner prescribed in paragraph d-(1) of this section.

c. Personal Storage of Notes by Official and Deputy Reporters. All reporters' notes which have not been stored with the eClerk of the Superior Court shall be kept by the reporter of the division in which the proceedings were reported.

d. Storage of Notes with Clerk and Destruction of Notes.

(1) *Storage and Indexing.* Not less than once each year, all reporters shall store with the eClerk of ~~this the Superior eCourt~~ all notes which are more than two (2) years old. All court reporters who store their notes with the eClerk of ~~this the Superior eCourt~~ as required by this rule shall place the notes in a carton prescribed by the eClerk of the Superior Court and approved and furnished by the eCourt aAdministrator. All reporters shall store ~~civil, juvenile, habeas corpus and non-criminal, criminal and capital case~~ proceeding notes in containers separate and apart from each other and shall identify the carton and its contents on a label affixed to the front of the storage container. The label shall be prescribed by the eClerk of ~~this the Superior eCourt~~ and approved and furnished by the eCourt aAdministrator. All notes presented to the eClerk of ~~this the Superior eCourt~~ shall be accompanied by a receipt prescribed and provided by the eClerk of the Superior Court. All notes shall be stored under the name of the reporter taking the notes, or by the name of the hearing officer when an electronic recording of the proceeding is the official court record.

(2) *Facilities and Procedures.* All court reporters' notes in the custody of the eClerk of the Superior Court shall be stored in a secure location. The eClerk of the Superior Court shall store, catalog and index each reporters' notes so that they may be readily obtained.

(3) *Retrieval of Notes.* A reporter or his/her designated representative or court administration custodian of electronic recordings may obtain access to their notes during normal working hours by notifying the ~~records management center administrator for eClerk of this the Superior eCourt~~ and presenting adequate identification. ~~The reporter should provide a~~ Advanced notification should be provided to ensure immediate access to the notes. A receipt shall be given for any notes removed and they shall be returned for storage within ninety (90) days unless this court grants an extension of time.

(4) *Destruction of Notes.* All reporters' notes for ~~civil non-criminal~~ and probate proceedings except writs of habeas corpus in storage for more than ~~seven (7) five (5)~~ years shall be destroyed by the eClerk of ~~this the Superior eCourt~~ after giving thirty (30) days written notice by ~~certified or registered~~ mail, directed to the reporter at the reporter's last known business address ~~and or~~ place of residence. Prior to the date set for their destruction, the reporter may reclaim the notes ~~if so desired by~~ making a written request to the Clerk of the Superior Court. Notes of ~~habeas corpus, juvenile and criminal~~ proceedings shall be stored ~~indefinitely unless otherwise stated in these local rules pertaining to juvenile and criminal matters for ten (10) years.~~ Criminal capital case proceeding notes shall be stored for fifty (50) years following the date of sentencing.

e. Termination of Employment. On termination of employment of any court reporter or deputy, the reporter or deputy, as the case may be, shall immediately deliver that reporter's or deputy's notes that are

six (6) months or older as of the date of termination to be stored with the eClerk of the Superior Court and shall at all times keep the ~~records management center administrator in the office of the eClerk of this the Superior eCourt~~ advised of a current address and telephone number. The reporter or deputy may retain custody of any notes less than six (6) months old as of the date of termination for a period not to exceed one (1) year from the date of termination or until the reporter or deputy moves out of the state of Arizona, whichever occurs first, at which time the reporter or deputy shall deliver all remaining notes to the eClerk of the Superior eCourt in the manner prescribed in paragraph (d)(1).

f. Certification of Compliance with Rule. All official reporters who are employed at an annual salary and paid on a regular basis by the county; and who intend to terminate their employment, shall give at least two (2) weeks' notice of such intention to the judge who engaged their services. That judge shall forthwith notify the eCourt aAdministrator to withhold any further pay to said reporter until receipt of certification of compliance with this rule.

Rule 1.11. Administrative Orders

Administrative Orders of the Superior Court in Maricopa County shall be available on the Superior Court's web site, as well as from the Clerk of the Superior Court.

RULE 2. GENERAL PROCEDURE

Rule 2.1. Assignment of eCase nNumbers and eConsolidation

a. Case Number Assignment. The eClerk of the Superior eCourt shall assign a number to every case filed with the court.

b. Habeas Corpus.

(1) Each habeas corpus matter referred to this court by the Arizona Supreme Court shall be docketed by the clerk and such matter shall be assigned the next succeeding civil case number. All further proceedings shall be conducted under such number.

(2) Habeas corpus proceedings commenced in this court and not ancillary to a criminal, juvenile or domestic relations proceeding shall be docketed as civil cases. (See Rule 2.11(c) of these rules for the assignment of habeas corpus cases).

c. Case Consolidation. Unless the court shall otherwise order, when two (2) or more cases are consolidated, the eClerk of the Superior Court shall regard the number of the case filed first as the controlling number of the consolidated cases and all further pleadings and papers shall be filed and docketed under that number only. Unless the court shall otherwise specify, it will be presumed that the consolidation is for all purposes, and not merely for the purpose of trial. Motions to consolidate shall be heard by the judge to whom the earliest-filed case is assigned unless otherwise assigned by the pPresiding jJudge.

~~Rule 2.2. Cases preferred for trial~~ Conflicting Trial Dates

a. Priority Notice to the Court. ~~Subject to the requirements of this rule, the following cases shall be preferred for trial in the following order: In the event an attorney has two (2) cases scheduled for trial on the same date, the attorney shall promptly notify the judges and other counsel involved so the conflict may be resolved.~~

b. Resolution of Conflicts. Upon being advised of a scheduling conflict, the judges involved shall, if necessary, confer personally or by telephone in an effort to resolve the conflict. The following factors may be considered in resolving the conflict:

- (1) the nature of the cases as civil, criminal, or juvenile, and the presence of any speedy trial problems;
- (2) the length, urgency, or relative importance of the matters;
- (3) the involvement of out-of-town witnesses, parties or counsel;
- (4) the age of the cases;
- (5) the matter that was set first;
- (6) any priority granted by rule or statute; and/or
- (7) any other pertinent factor.

- ~~(1) An case granted a preference by statute or other rule of court;~~
- ~~(2) Juvenile cases;~~
- ~~(3) Criminal cases;~~
- ~~(4) Domestic Relations cases;~~
- ~~(5) Probate cases;~~
- ~~(6) Short Cause Civil cases;~~
- ~~(7) Hardship Civil cases; and~~
- ~~(8) Mental Health cases.~~

b. Short Cause Civil. ~~A short cause is any civil case stipulated to by all parties to take less than one (1) hour to try to court. If the trial of any short cause is not completed within one hour of actual trial time, the trial judge shall make such orders as are appropriate, including a continuance and may order that it takes its place on the regular trial calendar without preference.~~

c. Hardship. ~~Preference by reason of hardship may be granted only upon motion to the court.~~

d. Statutory, Rule or Court Order Preference. ~~All cases entitled to a preference for trial by reason of statute, rule or order of court shall be set for trial at the earliest practicable date. All civil cases entitled to a preference for prompt trial by reason of statute, rule or order of court shall carry in its caption the following, or similar, notation: "Priority Case" (citing rule number, order or section of statute).~~

e. Extraordinary Circumstances. ~~Upon motion to the presiding judge in extraordinary circumstances, any case entitled to a preference may be assigned to another judge on the court, to a visiting judge, retired judge or a judge pro tempore. In the absence of prior resolution by the assigned trial judges and~~

~~lawyers involved, resolution of trial calendar conflicts among lawyers in different cases involving extraordinary circumstances may be determined by the presiding judge.~~

Rule 2.3. Resetting ~~e~~Cases for ~~n~~New ~~t~~Trial

a. Reset by Trial Judge. In the event of a mistrial or the granting of a motion for a new trial, the trial judge shall reset the case for trial.

b. Remand and Mandate. In the event a case is remanded by the Supreme Court or Court of Appeals for a new trial, the prevailing party shall furnish the trial judge with a copy of the mandate unless it appears of record that the trial judge has been furnished a copy of the mandate. Upon receipt of the mandate, the trial judge shall reset the case for trial. In event the trial judge is no longer serving on the court or is no longer assigned that case, counsel shall lodge the copy of the mandate with the ~~e~~Court ~~a~~Administrator, who shall transmit the mandate to the judge to whom the case is assigned.

Rule 2.4. Orders and ~~m~~Minute ~~e~~Entries

A copy of every order and minute entry of the court shall be ~~inserted~~ maintained by the ~~e~~Clerk of the ~~court in~~ Superior Court and available in the individual case ~~file~~ record.

Rule 2.5. Witnesses, ~~s~~Subpoenas ~~and~~, ~~s~~Summonses, and Orders to Appear

a. Courtroom Location. Subpoenas and orders to appear for witnesses and/or parties shall indicate the courtroom or location at which the witness or party shall appear. Where, at the time of issuance, such courtroom is not ascertainable, witnesses and/or parties shall be subpoenaed or ordered to appear at the ~~Department of Administration (court administrator's office)~~ at least fifteen (15) minutes prior to the time required for attendance at trial. The court administrator shall direct such witnesses to the proper courtroom location directed by the court.

b. Consideration of Witnesses. Counsel who subpoena witnesses to testify shall confer with opposing counsel and with the court ~~in order~~ to avoid unnecessary waiting on the part of such witnesses pending their call to the witness stand. Where appropriate, witnesses shall be excused and directed to return to court at a later time.

c. Required Language for Summonses, Subpoenas, and Orders to Appear. All summonses, subpoenas, and orders to appear issued by the Clerk of the Superior Court and filed with the court shall contain the following language: “(1) Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a scheduled proceeding. (2) Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.” If the required language does not appear on a summons or subpoena presented to the Clerk of the Superior Court for issuance, the Clerk shall refuse to issue the summons or subpoena.

Rule 2.6. Juries

a. Request for Jury Panel. Not later than ~~2:00~~3:30 p.m. of the judicial day preceding the day for which a case is set for trial, or 10:45 a.m. for the jurors to report in the afternoon of that day, each judge shall cause the jury commissioner to be advised of the number of jurors required for the following judicial day.

b. Assessment of Jury Fees.

(1) *Before Impanelment.* If a jury panel has been ordered for a civil trial and a court is available but the case is settled or for any other reason the panel is not used for that trial, jury fees will be assessed for a ~~the~~ panel of ~~eight~~ prospective jurors if unless the court is ~~not~~ notified of settlement or that the panel will not be needed for that trial before 2:00 p.m. on the judicial day preceding the day for which the case is set for trial.

(2) *After Impanelment.* If a jury has been impaneled for a civil trial but the case is settled or for any other reason the panel is not used for that trial, an assessment of jury fees shall be made for each juror and alternate juror impaneled for each day on which the jury was present for trial.

c. Parties Against Whom Fees Assessed. Except as otherwise provided by law, the parties may by agreement, subject to approval by the court, designate the party or parties against whom jury fees are to be assessed. If the parties fail to so designate, the court shall assess the jury fees equally against each side unless the court determines that the interests of justice require assessment of jury fees in some other manner.

d. Mistrials. Jury fees for mistrials shall be fixed by the court at the time of the mistrial, and may be assessed at the time judgment is given or disposition made.

~~**e. Meals.** Maximum dollar amounts for juror meals shall be established by supplemental order.~~

~~**f. Alcoholic Beverages.** No alcoholic beverages shall be consumed by jurors during court hours or jury deliberations.~~

g. e. Notification to County Attorney for Waiver of Jury Fees. A request to be relieved from a judgment for jury fees pursuant to A.R.S. § 12-332(~~C~~) shall be in writing. A copy of the request shall be served upon the County Attorney not less than three (3) days before the time fixed by the court to hear the request.

Rule 2.7. Change of ~~j~~Judge

~~Counsel shall file any "Notice of Change of Judge" with the clerk of the court and serve copies on all parties, the presiding judge (the presiding criminal judge in criminal cases), the court administrator and the noticed judges. Upon request for a change of judge, the case shall be transferred to the presiding judge (the presiding criminal judge in criminal cases) for reassignment. Upon the honoring or granting of a change of judge, the assigned judge shall refer the matter to the department administrator for reassignment at the direction of the department presiding judge.~~

Rule 2.8. Exhibits

a. Entry into File. Exhibits attached to a pleading or other filed paper shall be ~~so mounted, folded and affixed that after the pleading or paper is fastened into the court files, they can be clearly, freely and easily read and examined without their having to be removed from the file or loosened from their fasteners~~ of comparable size and format to the main document to permit either fastening into the court file or scanning and imaging with the pleading as a single document. Electronic attachments and exhibits not permitted or able to be electronically filed shall be managed and disposed of in accordance with paragraphs (b) through (e) of this rule.

b. Control by Deputy Clerk. Exhibits marked for identification or introduced as evidence shall be under the control of the deputy courtroom clerk and shall be secured in a manner prescribed by the eClerk of this the Superior eCourt during the trial period, unless otherwise ordered by the court.

c. Return of Exhibits. Exhibits in any case may be withdrawn by written stipulation or order of the court. After a judgment has become final and nonappealable, a person who files an affidavit setting forth that that person is the owner of or lawfully entitled to the possession of an exhibit may obtain an ex parte order permitting its withdrawal. A receipt shall be filed for each exhibit withdrawn. No order shall be required when it is stipulated in open court during the progress of trial that an exhibit may be withdrawn on the filing of a certified or photostatic copy thereof.

d. Disposal of Exhibits. Any time after ninety (90) days from the conclusion of a case by judgment, which is not appealed, by mandate on appeal, or by other final disposition, the eClerk of the Superior eCourt may dispose of exhibits in civil, probate and domestic relations cases in the following manner:

(1) The eClerk of the Superior Court shall mail a notice to the attorney(s) of record in the case, or if none, to the parties at their last known address, advising them that the attorney or party introducing the exhibit may obtain it from the eClerk of the Superior Court within sixty (60) days. It shall be the responsibility of the attorney who introduced the exhibit to notify the owner of the exhibit of its availability within ten (10) days.

(2) Any attorney, party or owner desiring the eClerk of the Superior Court to retain any exhibit(s) in the pending action shall notify the eClerk of the Superior Court of such desire in writing within ten (10) days of the receipt of the notice. Upon receipt of a request to retain exhibits, such exhibits shall be retained by the eClerk of the Superior Court unless ordered to be disposed by the court after hearing on notice to all parties.

(3) If the eClerk of the Superior Court does not receive notice from any attorney or party requesting retention of the exhibits, the eClerk of the Superior Court shall hold the exhibits for sixty (60) days from the date the notice was sent for the purpose of releasing them to the attorney or party introducing them upon proper receipt.

(4) If the eClerk of the Superior Court is not notified to retain the exhibits or if the exhibits are not released to an attorney or party pursuant to this rule, the eClerk of the Superior Court may dispose of the exhibits.

(5) If the notice is returned to the eClerk of the Superior Court undelivered, the eClerk of the Superior Court may, after sixty (60) days from the date of the return of the notice, dispose of the exhibits.

(6) The eClerk of the Superior Court shall maintain a record of the procedure followed under this rule in the case file.

e. Temporary Custody of Court Records. Attorneys admitted to the State Bar of Arizona may obtain temporary custody of official court files, transcripts and exhibits for no longer than seven (7) days upon:

- (1) Stipulation of all parties and order of the court; or
- (2) Motion, notice to all parties, a hearing and order of the court.

The motion or stipulation shall be presented to the judge to whom the case is assigned. Upon execution of a receipt therefor, the attorney shall be responsible for the safety, security and integrity of the file, transcript or exhibits in that attorney's custody. Neither the Clerk of the Superior Court nor any of the clerk's deputies shall be responsible for any file, transcript or exhibit released to the temporary custody of any attorney pursuant to this rule and shall not be required to accompany any files, transcripts or exhibits in the possession of attorneys for duplicating purposes.

Rule 2.9. Briefs, instructions and interrogatories to juries

a. Briefs. When any matter is submitted to a trial judge for decision, and the filing of briefs is requested or allowed by the judge, the original of each brief shall be filed with the eClerk of the Superior eCourt and a duplicate shall be presented to the trial judge unless the original document is electronically filed.

b. Instructions. All requested instructions shall be numbered and shall cite the authorities relied on by counsel in support thereof. Recommended Arizona Jury Instructions (denoted as RAJI) as currently adopted and published by the Arizona Supreme Court, may be requested by counsel and designated by number (i.e., RAJI No. _____) instead of submitting the same fully written.

~~**c. Distribution of RAJI.** The court administrator shall maintain a supply of the most commonly used RAJI which shall be unnumbered, printed on plain white paper and shall be available to the court.~~

d. Interrogatories. In those matters in which interrogatories are to be submitted to the jury, they shall be submitted on plain paper, without any indication as to the party or the submitting attorney, and there shall be but one (1) interrogatory to a sheet. The interrogatory number will be left blank.

Rule 2.10. Attorney's Responsibility to Court

a. Attorney's Advice to Court. ~~Pursuant to Rule 5.1(b), Rules of Civil Procedure, each~~ Each attorney shall promptly advise the eClerk of the Superior eCourt and the eCourt aAdministrator, separately and in writing, of that attorney's office address, telephone number, e-mail address, or law firm affiliation if it is different from that listed in the current Directory of the State Bar of Arizona or is omitted from the directory. The eClerk of the Superior Court and the eCourt aAdministrator shall promptly note that information on the records of their offices, together with the date of receipt of that information, and they shall not otherwise be responsible for the office address, telephone number, e-mail address, or law firm affiliation of any attorney.

b. Offer of Judgment. After a jury has returned its verdict, counsel shall promptly notify the court of

any offer of judgment made pursuant to Rule 68, Arizona Rules of Civil Procedure, which may affect the assessment of jury fees.

c. ~~Cases Under Advisement~~ Submitted for Decision. In any case where more than ~~sixty (60)~~ fifty-five (55) days has elapsed after a matter has been finally submitted to the court for decision, and no such decision has been rendered, counsel shall ~~notify the presiding judge or, alternatively, may confer with the deputy clerk regularly assigned to the division in which the matter is pending, to ascertain whether such matter is presently under advisement or has been inadvertently overlooked by the court~~ file a notice of impending time limits with the assigned judge.

Rule 2.11. ~~Special Writs, Orders to Show Cause, and Habeas Corpus~~

a. Emergency Writs. [Rescinded].

b. Injunctions, Restraining Orders, and Orders to Show Cause. No injunction, restraining order, order to show cause or other writ shall be signed by a ~~judge or court commissioner~~ judicial officer before the petition or complaint requesting such relief has been regularly filed ~~in~~ with the office Clerk of the clerk Superior Court or filed with a judge of the Superior Court outside of regular court hours. In cases which do not require an immediate order upon filing, injunctions and other special writs and orders to show cause shall be presented for signature to the judge to whom the case has been regularly assigned.

c. Habeas Corpus and Special Actions. Habeas corpus and special action cases pertaining to the custody or detention of individuals shall be assigned as follows:

(1) ~~To~~ to a criminal ~~division~~ department if the case pertains to the custody or detention of a person pursuant to a criminal charge;

(2) ~~To~~ to a juvenile ~~division~~ department if the case pertains to the custody or detention of a person under the jurisdiction of the juvenile court;

(3) ~~To~~ to a ~~domestic relations division~~ family court department if the case pertains to the custody and detention of a juvenile not under the jurisdiction of the juvenile court; and

(4) ~~To~~ to a probate ~~division~~ department if the case pertains to the custody and detention of an adult not pursuant to a criminal charge.

Rule 2.12. Ex Parte Presentations; Duty to Court

In the event that any ex parte matter or default proceeding has been presented to any ~~judge or~~ judicial officer and the requested relief denied for any reason, such matter shall not be presented to any other ~~judge or~~ judicial officer without making a full disclosure of the prior presentation. Counsel should be governed by the provisions of ER 3.3 of the Arizona Rules of Professional Conduct, Rule 42, Arizona Rules of the Supreme Court. For a failure to comply with the provisions of this Local Rule, the order or judgment made on such subsequent application may be vacated at any time as a fraud upon the Court.

Rule 2.13. ~~Reserved~~ Electronic Oath

The Superior Court may utilize electronic oaths whenever an oath is required by statute or rule, unless otherwise expressly prohibited by law. An electronic oath shall have the same legal effect as a signed oath or an oath taken in the presence of a judicial officer, court employee, or deputy clerk.

Rule 2.14. Abrogated by order dated May 19, 1993, effective Dec. 1, 1993 Motions to Continue or Extend Time

In any motion to continue or motion to extend a deadline, the party filing the motion must state in the motion whether the opposing party or parties object to the continuance or extension. If the filing party is unable to contact the opposing party or parties, the motion must demonstrate the attempt to contact the opposing party or parties.

Rule 2.15. Forms of ~~papers~~ Documents

Title page. The following information shall be stated upon the first page of every document and may be presented for filing single-spaced:

- (a) The name, address, telephone number, email address, and State Bar of Arizona attorney identification number of the attorney causing the document to be filed. There shall also be included an identification of the party being represented by the attorney, e.g., plaintiff, defendant, third party plaintiff, et cetera. This information shall be typewritten or printed in the space to the left of the center of the page and beginning at line one (1) on the first page. The space to the right of the center shall be reserved for the filing marks of the eClerk of the Superior Court.
- (b) If the document is being presented by a self-represented litigant ~~not represented by counsel~~ (~~appearing in propria persona~~), the information required in paragraph (a) ~~one~~ shall be included, with the exception of the State Bar of Arizona attorney identification number.
- (c) The title of the court shall commence on or below line six (6) of the first page.
- (d) Below the title of the court, there shall be inserted in the space to the left of the center of the paper the title of the action or proceeding. In the space to the right of the center and below the title of the court, there shall be inserted: (1) the number of the action or proceeding and (2) a brief description of the nature of the document.

Rule 2.16. ~~Docketing Format~~ Size of Print

~~Each document which is separately filed by the Clerk in a particular case shall be sequentially numbered by the Clerk on the first page of the document and shall be docketed by that number.~~

Rule 2.17 Size of Type

~~All typewritten~~ The typeface used in all pleadings, motions and other original papers documents (including text, quotations and footnotes) filed with the eClerk of the Superior Court shall be ~~in a type-size no smaller than ten (10) pitch (10 characters per inch). Those that are printed or otherwise produced with proportional type shall be in a size no smaller than thirteen~~ twelve (12) point. This rule does not

apply to self-service center documents and other documents generated by the court and prepared in a format approved by the Presiding Judge.

Rule ~~2.18~~ 2.17. Proposed Orders

Proposed orders prepared for the signature of a superior court judge or commissioner will be prepared on a separate document containing the heading data required by Rule 2.15, Local Rules of Practice, and shall not be included as an integral part of stipulations, motions, or other ~~pleadings~~ documents.

Rule ~~2.19~~ 2.18. Motions, Pleadings, and Other ~~Papers~~ Documents

All original motions, pleadings and ~~papers~~ documents, except as indicated in Rule 5(g), Arizona Rules of Civil Procedure, shall be filed with the Clerk of the Superior Court and shall not constitute part of the records of the ~~Court~~ until so filed.

Rule 2.19. Sealing or Redacting Court Records

a. Request to Seal or Redact Court Records; Service. Any person may request that the court seal or allow the filing of a redacted court record for a case that is subject to these rules by filing a written motion, or the court may, upon its own motion, initiate proceedings to seal or allow the filing of a redacted court record. A motion to seal or allow the filing of a redacted court record must disclose in its title that sealing or redaction is being sought. The motion must be served on all parties in accordance with the applicable rules of service for the case type.

b. Hearing. The court may conduct a hearing on a motion to seal or allow the filing of a redacted court record.

c. Grounds to Seal or Redact; Written Findings Required. The court may order the court files and records, or any part thereof, to be sealed or redacted, provided the court makes and enters written findings that the specific sealing or redaction is justified by identified compelling interests that outweigh the public interest in access to the court record. The findings should include the following:

(1) there exists a compelling interest that overcomes the right of public access to the record;

(2) the compelling interest supports sealing or redacting the record;

(3) a substantial probability exists that the compelling interest will be prejudiced if the record is not sealed or redacted;

(4) the proposed sealing or redaction is narrowly tailored; and

(5) no less restrictive means exist to achieve the compelling interest.

Rule 2.20. Unsealing Court Records

a. Access. Court records that are sealed may be examined by judicial officers. Access by the public to sealed records will only be allowed after entry of a court order in accordance with this rule.

b. Motion; Service. A sealed court record shall be unsealed only upon stipulation of all the parties, upon the court's own motion, or upon a motion filed by a named party or another person. A motion to unseal a court record must be served on all parties to the action in accordance with the applicable rules of service for the case type. If the movant cannot locate a party for service after making a good faith effort to do so, the movant may file an affidavit setting forth the efforts to locate the party and requesting that the court waive the service requirements of this rule. The court may waive the service requirement if it finds that further good faith efforts to locate the party are not likely to be successful.

c. Hearing. Any party opposing the motion shall appear and show cause why the motion should not be granted. The responding party must show that compelling circumstances continue to exist or that other grounds provide a sufficient legal or factual basis for keeping the record sealed.

Rule 2.21. Duty of Self-Represented Litigants

A self-represented party shall inform the court of his or her current address, telephone number, and e-mail address (if any). The self-represented party has a continuing duty to advise the court of any change in address, telephone number, or e-mail address (if any) and shall notify the court within ten (10) days of such changes.

RULE 3. CIVIL CASES

Rule 3.1. Filing, and Assignment, Transfer, and Consolidation of Civil Cases

a. Filing of ~~Cover~~ Face Sheet. When filing a civil action, the plaintiff shall furnish the eClerk of the Superior Court, on a form provided by the eClerk of the Superior Court, the caption of the case including the correct name(s) and mailing address(es), if known, of all plaintiffs, defendants and their attorneys and such other information as the court may require.

b. Assignment. All cases filed with the eClerk of the Superior Court shall be assigned a case number and shall be assigned by the eClerk of the Superior Court or the eCourt Administrator to a civil trial calendar which will thereafter process the case to conclusion unless the case is otherwise assigned by the Presiding Judge, or unless the case is before a court commissioner pursuant to Rule 46-96, Rules of the Supreme Court. The assignment of cases may be done by automated means or by a formula approved by the Supreme Court, and shall be done in a random manner so as to be unpredictable and provide an equal distribution of cases among the trial divisions. Civil trial divisions shall be designated "Civil Division C-1, C-2, C-3," etc. Judges assigned to civil divisions shall retain their regular division numbers.

c. Transfer or Consolidation of Related Civil Cases; Assignment.

(1) *Related Cases.* Whenever two (2) or more cases are pending before different judges and any party believes that such cases: (A) arise from substantially the same transaction or event; (B) involve substantially the same parties or property; (C) ~~involve the same patent, trademark, or copyright,~~ (D) call for determination of substantially the same questions of law; or (D)-(E) for any other reason would entail substantial duplication of labor if heard by different judges, any party may file a motion to transfer

the case or cases involved to a single judge. The motion shall be filed in each affected case, but shall contain the caption of the earliest-filed case and shall be heard by the judge to whom that case is assigned.

(2) *Consolidation.* A motion to consolidate pursuant to Rule 42(a), Arizona Rules of Civil Procedure, shall contain the captions of all the cases sought to be consolidated, be filed in each case, and be heard by the judge assigned to the earliest-filed case. The case numbers of all the cases sought to be consolidated shall appear on the first page of the motion.

~~(3) *Service.* Service of any motion filed under subsection (1) or (2) shall be made upon all parties and assigned judges in such cases.~~

~~(4) *Assignment.* In determining to which judge the case or cases will be assigned pursuant to subsection paragraph (1) or (2) above, the following factors may be considered: (A) whether substantive matters have been considered in a case; (B) which judge has the most familiarity with the issues involved in the cases; (C) whether a case is reasonably viewed as the lead or principal case; or (D) any other factor serving the interest of judicial economy.~~

d. Refiling. Cases refiled after dismissal may upon motion of any party be reassigned to the judge to whom, or the division to which, the case was previously assigned. Motions for reassignment shall be heard by the pPresiding judge or a designee.

~~**e. Attorney Conflicts.** When a lawyer has the personal responsibility of trying two cases on the same day (whether because of identical settings or anticipated trial overlap), such lawyer shall promptly request in writing a conference, in person or by telephone, with all counsel and the judge of the division in which a trial resetting will be requested, to resolve the conflict. If the trial is reset to a date consistent with the calendars of all counsel, no further continuances will be granted upon the ground of calendar conflict in the absence of good cause.~~

~~Except for good cause, the court should determine priority of cases according to applicable statutes and rules, and, between cases of the same type, the court should give priority to the earliest filed case.~~

~~In the event a lawyer with the scheduling conflict fails timely to notify court and counsel as set forth herein, and the court nevertheless resets the trial because of such conflict, the court may, in its discretion, assess against such lawyer costs and expenses, including attorneys' fees, incurred by the other parties as a result of the trial resetting.~~

e. E-filing and Paper Filing.

(1) E-filing: All documents shall be electronically filed to the extent required by Supreme Court Rule or Administrative Order.

(2) Paper filing: Copies of all documents properly filed in paper form shall be provided to all parties (excepting proper ex parte filings) and, except case initiation documents in civil nonprobate matters, the assigned judge.

Rule 3.2. Civil Motions; Stipulations, Notices of Settlement, and Proposed Forms of Order

a. Copies to Trial Judge. ~~[Rescinded]. At the time of the filing of the original with the Clerk of the Superior Court, a copy of each motion, objection, exception and memorandum shall be presented to the judge of the division to which the case has been assigned or with the court administrator if the case has not been assigned. The original of all motions and notices shall show the presentation of a copy to the division to which the case has been assigned.~~

b. Submission upon Memoranda. ~~Except as to motions for summary judgment, all motions shall be deemed submitted upon memoranda, as required by Rule 7.1(a), Rules of Civil Procedure, unless the motion or answering memorandum contains in the caption the words “Oral Argument Requested.”~~

b. Motions for Default Judgment. Parties seeking a civil default judgment by motion shall submit to the assigned civil commissioner’s division a default judgment cover sheet and associated documents in the format required by Administrative Order.

c. Post-Trial Motions. All post-trial motions shall specify in the caption the name of the judge who tried the case, and shall, where possible, be heard by that judge.

d. Oral Argument; Submitted Motions. All motions shall be deemed submitted upon memoranda unless the motion, response or reply contains in the caption the words “Oral Argument Requested.” The court may, in its discretion, order, allow, or deny oral argument on any motion consistent with the Arizona Rules of Civil Procedure.

~~(1) *Oral Argument.* Any party desiring oral argument shall secure a time of hearing from the judge assigned to the case and shall file with the motion or response a separate notice of hearing setting forth the date, time, judge and location for the hearing. The date of the hearing shall be such as to give each party sufficient time to comply with this Rule and Rule 7.1, Rules of Civil Procedure, and to allow the Court at least five (5) additional days prior to such hearing unless otherwise directed by the Court.~~

~~(2) *Submitted Motions.* If neither party requests an oral argument as provided in subsection (1), the motion will be considered and decided without oral argument, unless otherwise ordered by the Court.~~

e. Telephone Argument and Conferences. The court may, in its discretion, order or allow oral argument on any motion or other proceeding by speaker telephone conference call, or regular telephone conference call, provided that all conversations of all parties are audible to each participant and the judge. Upon request of any party, such oral argument may be recorded by court reporter or other lawful method under such conditions as the judge shall deem practicable. Counsel shall schedule such calls at a time convenient to all parties and the judge. The judge may direct which party shall pay the cost of the call.

f. Length of Motions and Memoranda. Unless otherwise permitted by the court, a motion including its supporting memorandum, and the response including its supporting memorandum, each shall not exceed fifteen (15) pages, exclusive of attachments and any required statement of facts. Unless otherwise permitted by the court, a reply including its supporting memorandum shall not exceed ten (10) pages, exclusive of attachments.

g. Motions for Summary Judgment. ~~[Rescinded].~~

~~(1) Motions for summary judgment shall be in the form prescribed by Rule 56(c)(2), Rules of Civil Procedure.~~

~~(2) Unless otherwise ordered by the court, all motions for summary judgment shall be filed not later than 60 days prior to trial.~~

h. Motions to Compel. When a motion for an order compelling discovery is brought pursuant to Rule 37(a)(2) of the Arizona Rules of Civil Procedure or Rule 65(A)(2) of the Arizona Rules of Family Law Procedure, the moving party shall set forth, separately from a memorandum of law, the following in separate, distinct, numbered paragraphs:

(1) ~~the~~ question propounded, the interrogatory submitted, the designation requested or the inspection requested;

(2) ~~the~~ answer, designation or response received; and

(3) ~~the~~ reason(s) why said answer, designation, or response is deficient.

The foregoing requirement shall not apply where there has been a complete and total failure to respond to a discovery request or set of discovery requests.

i. ~~Stipulations and Motions~~ Notices of Settlement; Proposed Forms of Orders.

(1) All stipulations shall be accompanied by a proposed form of order. ~~The party submitting the stipulation shall include with it copies to be conformed, together with envelopes stamped and addressed to each party who has entered an appearance in the case.~~ If the proposed form of order is signed, no minute entry shall issue.

(2) All stipulations to dismiss or for the entry of judgment shall indicate whether the stipulation disposes of the entire case.

(3) All notices of settlement shall indicate whether the settlement disposes of the entire case.

(4) Unless the case is subject to e-filing, any motion or stipulation accompanied by a proposed form of order shall also include with it copies to be conformed, together with envelopes stamped and addressed to each party who has entered an appearance in the case. If the proposed form of order is signed, no minute entry shall issue.

Rule 3.3. Attorney Conflicts Abrogated by order dated May 19, 1993, effective Dec. 1, 1993

When a lawyer has the personal responsibility of trying two (2) cases on the same day (whether because of identical settings or anticipated trial overlap), such lawyer shall promptly request in writing a conference, in person or by telephone, with all counsel and the judge of the division in which a trial resetting will be requested, to resolve the conflict. If the trial is reset to a date consistent with the calendars of all counsel, no further continuances will be granted upon the ground of calendar conflict in the absence of good cause.

Except for good cause, the court should determine priority of cases according to applicable statutes and rules, and, between cases of the same type, the court should give priority to the earliest-filed case.

In the event a lawyer with the scheduling conflict fails timely to notify court and counsel as set forth herein, and the court nevertheless resets the trial because of such conflict, the court may, in its discretion, assess against such lawyer costs and expenses, including attorneys' fees, incurred by the other parties as a result of the trial resetting.

Rule 3.4. Setting Cases for Trial and Postponements

Any party desiring to have a civil case ~~placed upon the active calendar and~~ set for trial shall follow the procedures set forth in Rule 38.1, Arizona Rules of Civil Procedure. All Motions to Set and Certificates of Readiness shall certify, in accordance with the provisions of Rule 38.1(a)(3)(i), Arizona Rules of Civil Procedure, that the parties have completed, or will have had a reasonable opportunity to complete, the procedures under Rules 26 to 37 of the Arizona Rules of Civil Procedure within sixty (60) days after the filing of the Motion to Set and Certificate of Readiness.

When an action has been set for trial, no trial continuance shall be granted except upon a finding of good cause.

Rule 3.5. Issuance of Process by the Clerk Praecipis

All requests to the eClerk of the Superior eCourt for post-judgment subpoenas, alias summons, writs of possession, restitution or execution, or other process issuable as of course by the eClerk of the Superior Court shall be by a praecipe or an application in writing which shall be filed in the action. The eClerk of the Superior Court may refuse to issue process for noncompliance with this rule.

Rule 3.6. Dismissals for Failure of Prosecution

a. Grounds for Dismissal. Any civil action shall be dismissed for failure to prosecute upon written motion and notice to opposing counsel, at the discretion of the court, upon the following grounds and conditions:

- (1) ~~F~~failure to comply with Rule 2.3 of these rules within two (2) months after the date of the order for a new trial, or the date of the filing of the mandate of an appellate court;
- (2) ~~F~~failure to comply with Rule 38.1(d), Arizona Rules of Civil Procedure; or
- (3) ~~F~~for other appropriate reasons.

b. Exception for Military Service. No dismissal shall be ordered during any period that the court finds that a necessary party to the action is in the military service of the United States and is unable during such period to be present at the trial by virtue of such service.

c. Settlement without Final Judgment. After a case has been set for trial and the parties have announced settlement without presenting a final judgment to the court, the case shall be placed on the

inactive calendar and shall be dismissed without further notice on a day approximately thirty (30) days thereafter, unless in the meantime final judgment shall have been filed and entered of record, or unless the court shall, on motion of any party, reset the case for trial.

d. Inactive Calendar. ~~[Rescinded]. All civil cases in which a Motion to Set and Certificate of Readiness has not been filed within nine months after the commencement thereof shall be placed on the inactive calendar by the court administrator. All cases remaining on the inactive calendar for two months shall be dismissed without prejudice for lack of prosecution in accordance with Rule 38.1(d), Rules of Civil Procedure.~~

Rule 3.7. Judgment and Findings

a. Original Lodged with Trial Judge. ~~[Rescinded]. The original of every judgment which is subject to the requirements of Rule 58(d), Rules of Civil Procedure, shall be lodged with the trial judge or, if the case was tried by a visiting judge, retired judge or judge pro tempore, with the court administrator.~~

b. Judgment Filed with the Clerk. ~~[Rescinded]. Upon the approval and signing of a final written judgment that has been lodged with the court under this rule, the court shall transmit it to the clerk for filing. When a certified copy of a judgment is requested, a copy of the original shall also be lodged with the trial judge. Original orders, judgments or decrees will not be released to counsel or the parties.~~

c. Findings of Fact and Conclusions of Law. When findings of fact and conclusions of law are required by Rule 52(a), Arizona Rules of Civil Procedure, the prevailing party shall, within five (5) days after the court has announced its decision or within such further time as the court may direct, serve upon the opposing party counsel and lodge with the trial judge proposed findings and conclusions. The opposing party ~~Opposing counsel~~ shall have five (5) days after service thereof ~~thereafter~~ to file and serve written objections to the proposed findings and conclusions.

d. Hearing or Trial on Default. ~~[Rescinded].~~

~~(1) No hearing or trial on default shall be heard until five (5) judicial days after the formal default has been entered in the clerk's office, unless the court shall waive the time requirement for good cause shown.~~

~~(2) Prior to hearing or trial on default, it shall be the duty of counsel to arrange the hearing or trial time with the appropriate office and to request a court reporter, if needed.~~

e. Attorneys' Fees. *(Paragraph (e) of this rule was abrogated effective December 1, 2000.)*

Rule 3.8. Court ~~m~~asters

a. Failure to Appear. Should any party fail without excuse to appear at the time and place fixed for a hearing before a master appointed under Rule 53, Arizona Rules of Civil Procedure, the master shall report such fact to the judge who appointed that master. The judge shall take such action as is deemed proper, including the assignment of the cause to the end of the active calendar if plaintiff fails to appear, and if defendant fails to appear, the entry of default.

b. Filing of Master's Report. The master shall, in addition to filing his report with the eClerk of the Superior eCourt, present a copy to the judge and mail copies to all parties or their counsel. Objections to the report shall be served on all parties and set for hearing by the court.

c. Cost. The court may fix the cost of the master's services and may tax all or part of such costs to one (1) or more of the parties.

Rule 3.9. Repealed effective Oct. 16, 2003

Rule 3.10. Arbitration

a. Amount in Controversy. All civil cases, which are filed with the Clerk of the Superior Court in which the Court finds or the parties agree that the amount in controversy does not exceed \$50,000, except those specifically excluded by Rule 72, Arizona Rules of Civil Procedure, shall be submitted to and decided by an arbitrator or arbitrators in accordance with the provisions of A.R.S. § 12-133 and Rules 72 to 76, Arizona Rules of Civil Procedure.

b. Certificate on Compulsory Arbitration. ~~[Rescinded]. A copy of the Certificate on Compulsory Arbitration which is required to be filed by Rule 72(e), Rules of Civil Procedure, shall be simultaneously mailed or delivered to the Superior Court Administrator.~~

c. Certification of Agreement. In any case in which the defendant(s) do(es) not controvert the plaintiff's certificate on compulsory arbitration pursuant to Rule 72(e)(2), Arizona Rules of Civil Procedure, the defendant(s) shall certify defendant's(s) agreement to plaintiff's certificate. The certification shall be filed with the Answer and served in the manner prescribed by Rule 5, Arizona Rules of Civil Procedure. ~~A copy of the certificate shall also be simultaneously mailed or delivered to the Superior Court Administrator and the division to which the case is assigned.~~ The case shall then proceed to arbitration as provided in Rules 72 to 76, Arizona Rules of Civil Procedure.

d. Appointment of Arbitrators. Pursuant to Rule 73, Rules of Civil Procedure, all arbitrators shall be appointed by the Court Administrator from a list of persons which includes the following:

(1) all residents of the county in which the court is located who, for at least four (4) years, have been active members of the State Bar of Arizona;

(2) members of the Bar who reside in another county or members of the Bar of any other state, or members of the Bar of any federal court, who have agreed to serve as Arbitrators by notifying the Clerk of the Superior Court ~~Clerk~~ or Court Administrator of such fact; and

(3) inactive members of the State Bar of Arizona who have agreed to serve as Arbitrators by notifying the Clerk of the Superior Court ~~Clerk~~ or Court Administrator in the county in which the court is located of such fact.

Rule 3.11. Mandatory Settlement Conferences

a. ~~(a)~~ Mandatory Settlement Conferences; Objectives. Except as to lower court appeals and cases subject to compulsory arbitration under A.R.S. § 12-133, in any action in which a motion to set and

certificate of readiness is filed, the court, at the request of any party, shall, except for good cause shown, direct the parties, the attorneys for the parties and, if appropriate, representatives of the parties having authority to settle, to participate either in person or, with leave of court, by telephone, in a conference or conferences before trial for the purpose of facilitating settlement. Unless otherwise ordered by the court, all requests for settlement conferences shall be made not later than sixty (60) days prior to trial.

At any time, on motion of a party, or on its own motion, the court may schedule a settlement conference pursuant to Rule 16.1, Arizona Rules of Civil Procedure. The provisions of ~~sub-paragraphs~~ subparagraphs (b) and (c) of this rule shall apply to such pre-trial settlement conferences.

b. ~~(b)~~ Scheduling and Planning. The court shall enter a scheduling order that sets the date for the conference, a deadline for furnishing memoranda, and other matters appropriate in the circumstances of the case. A schedule shall not be modified except by leave of court upon a showing of good cause.

c. ~~(c)~~ Settlement Conference Memoranda. Each party shall furnish the court with a separate memorandum. The memorandum shall not be filed with the Clerk of the Superior Court. Parties shall exchange the memoranda with each other, or with the consent of all parties, furnish the memoranda sealed to the division assigned to the case. Each memoranda shall address the following:

~~(1)~~ a general description of the issues in the lawsuit, and the positions of each party with respect to each issue;

~~(2)~~ a general description of the evidence that will be presented by each side with respect to each issue;

~~(3)~~ a summary of the settlement negotiations that have previously occurred;

~~(4)~~ an assessment by each party of the anticipated result if the matter did proceed to trial; and

~~(5)~~ any other information each party believes will be helpful to the settlement process.

d. ~~(d)~~ Discretion to Transfer. The court, upon its own motion, or upon the motion of a party, may transfer the settlement conference to another division of the court willing to conduct the settlement conference.

e. ~~(e)~~ Sanctions. The provisions of Rule 16(f), Arizona Rules of Civil Procedure, concerning sanctions shall apply to a conference provided for by this rule.

RULE 4. CRIMINAL CASES

Rule 4.1. Court ~~o~~Organization

a. Designation of Trial Divisions. The criminal trial divisions created pursuant to Rule 1.2(b) of these rules shall be designated “Criminal Division A, B, C,” etc. Judges assigned to criminal divisions shall retain their regular division numbers.

b. Special Criminal Proceedings Divisions. [Rescinded].

~~(1) The presiding judge may establish special criminal proceedings divisions to conduct a nontrial calendar.~~

~~(2) The presiding judge may designate magistrates, including pro tempore justices of the peace, to review, sign and file complaints brought to such magistrates pursuant to Rule 2, Arizona Rules of Criminal Procedure.~~

~~(3) A complaint pursuant to Rule 2, Arizona Rules of Criminal Procedure, is deemed filed with the court at the time the magistrate signs and dates the complaint which bears the appropriate case number assigned by the appropriate court.~~

~~(4) For purposes of receiving a complaint pursuant to Rule 2, Arizona Rules of Criminal Procedure, magistrates, or pro tempore justices of the peace, designated by the presiding judge shall be empowered to receive, sign and date all complaints alleging criminal activity occurring anywhere in Maricopa County.~~

~~(5) In all other regards, the duties and responsibilities of any designated magistrate, or pro tempore justice of the peace, shall be as defined by the Arizona Rules of Criminal Procedure.~~

c. Presiding Criminal Judge. The presiding judge shall appoint one (1) of the criminal division judges as the presiding criminal judge. The presiding criminal judge shall exercise general administrative supervision of the criminal calendar, including the assignment and reassignment of cases and the equalization and coordination of work and case loads. The presiding criminal judge may create and continue specialty courts to conduct non-trial calendars. The presiding criminal judge may appoint, from time to time, another criminal division judge as acting presiding criminal judge to act during absences of the presiding criminal judge.

d. Assignment of Same Defendant. All cases pertaining to the same defendant shall be assigned to one (1) division whenever possible.

e. Sentencing in Civil Divisions. If a guilty plea is entered in a criminal case assigned to a civil division, the case may be reassigned to the criminal divisions for sentencing. Defendants tried in a civil division or before a visiting judge shall, upon conviction, be sentenced by the trial judge. Upon remand from the Court of Appeals for re-sentencing, the trial judge shall re-sentence the defendant if the trial judge is available.

f. Adult Probation Committee. The criminal division judges shall constitute the standing Adult Probation Committee, the chairman of which shall be the presiding criminal judge. The committee shall hear, review and recommend to the presiding judge all matters governing the Adult Probation Department, its operating procedures and practices.

g. Case Assignments to Criminal Divisions. ~~Criminal cases, except lower court appeals under Rule 8, herein, and failure to provide cases, under Rule 6, herein, shall be assigned within the criminal divisions and shall remain in those divisions unless reassigned by the presiding criminal judge or the presiding judge. Where necessary to prevent delay, criminal cases may be assigned by the presiding judge to a civil division for trial.~~

Rule 4.2. Commencement of criminal actions

~~**a. Determination of Reasonable Cause.** An information commencing a misdemeanor action other than pursuant to A.R.S. § 12-2458 shall be presented to the presiding criminal judge for a determination of reasonable cause pursuant to Rule 2.4, Rules of Criminal Procedure, and issuance of a warrant or summons pursuant to Rule 3.1, Rules of Criminal Procedure.~~

~~**b. Approval of Complaints.** Complaints charging felonies filed in the Superior Court pursuant to Rule 2.2, Rules of Criminal Procedure, shall be approved by the presiding criminal judge.~~

Rule 4.3. Assignment of criminal cases

~~**a. Assignment to Trial Divisions.** Criminal cases shall be assigned to trial divisions in a manner to be prescribed by the presiding judge providing for as equal a distribution of cases to all divisions as possible.~~

~~**b. Failure to Provide.** Criminal charges for failure to provide filed directly in Superior Court pursuant to A.R.S. § 12-2458, et seq. shall be assigned to the domestic relations division.~~

Rule 4.4. Release

~~All motions seeking a reconsideration of the conditions of release shall be heard by the assigned trial division. Motions seeking reconsideration of the conditions of release in cases arising from grand jury indictments shall be heard by the presiding criminal judge if scheduled for hearing prior to trial division assignment.~~

Rule ~~4.2.~~ 4.5 Counsel

~~**a. Request for Court-Appointed Counsel.** Any request for court-appointed counsel, either for trial or appeal purposes, shall be granted only after a review by the initial appearance staff, who shall provide the appointing judge with a of the financial recommendation conditions of defendant by the court.~~

~~**b. Substitution of Counsel.** A stipulation for substitution of counsel in a criminal case shall:~~

~~(1) Bear the written approval of the client-defendant;~~

~~(2) Bear the signed statement by the substituting attorney consenting to the substitution, and stating that the substituting attorney is advised of the trial date, and will be prepared for trial on such date; and~~

~~(3) Be accompanied by a proposed written order, which may be presented ex parte.~~

~~Any substitution of court-appointed counsel shall be made from the list of available attorneys unless otherwise directed by the presiding criminal judge.~~

~~**c. Compensation of Appointed Counsel.** Any claim against Maricopa County by appointed counsel shall be submitted after sentencing or other termination to the judge who heard or tried the case. Such~~

~~judge shall give a recommendation as to the amount and reasonableness of the claim and forward it to the court administrator for the court administrator's information. Thereafter the claim shall be forwarded to the presiding criminal judge who shall set the fee to be allowed in accordance with standards fixed by a majority of the judges of the criminal divisions. The presiding criminal judge shall approve the claim.~~

~~**d. Employment of Private Investigator.** Court appointed defense counsel for persons charged with a capital offense must obtain the permission of the judge to whom the case is assigned in order to employ a private investigator at county expense. Counsel and private investigators shall comply with the court's Private Investigator Policy, copies of which are available from the court administrator.~~

b. Selection. The presiding criminal judge shall adopt a plan by Administrative Order which sets a process, procedure, and standards for the appointment of indigent defense counsel.

c. Compensation of Appointed Counsel. Appointed counsel shall be paid at the prevailing Maricopa County contract rate. If counsel being appointed is not under contract with Maricopa County to provide indigent representation, the court shall set the rate to be paid in an amount that the court in its discretion deems reasonable, considering the services performed.

Rule 4.6. Visual communications system

~~Arraignment of a defendant in custody who does not intend to enter a plea of guilty or no contest and the initial appearance for revocation of probation of a defendant in custody may be conducted by use of a visual communications system. These proceedings shall be held in open court in accordance with such procedures as may be established by the presiding criminal judge where a waiver of physical presence has been signed by the defendant and filed with the clerk of the court.~~

Rule 4.3 4.7. Motion practice

a. Copies to Judge. At the time of the filing of the original with the Clerk of the Superior Court, a copy of each motion, petition, response, reply, and memorandum not submitted through electronic filing shall be presented to the judge of the division to which the case is assigned or with the eCourt aAdministrator if the case has not been assigned. The original of all motions and notices shall show the presentation of a copy to the division to which the case has been assigned.

b. Oral Argument. Oral argument of all motions shall be limited to five (5) minutes for each side, which the time shall not be exceeded without permission granted in advance set by the court.

Rule 4.8. Mental health examinations

~~**a. Motion for Mental Health Examinations.** A motion under Rule 11.2, Rules of Criminal Procedure, for a mental examination to determine whether a defendant is competent to stand trial, shall be in writing and supported set by the moving party's statement setting forth with specificity the reasons and factual basis for believing such examination is justified.~~

b. Attendance of Witnesses. Counsel shall have the responsibility of securing the attendance of witnesses for hearings under Rules 11.5 and 11.6, Rules of Criminal Procedure.

~~**e. Expense of Witnesses.** The expense of any witness attending court when the proceeding has been cancelled may be charged to counsel if the witness was not promptly notified not to appear.~~

~~**d. Special Motions.** Motions concerning cases that are not filed in this court shall be heard by the presiding criminal judge or such other judge as the presiding criminal judge may designate.~~

Rule 4.44.9. Depositions

~~**a. Authorization for Deposition.** A motion to authorize a deposition pursuant to the Rules of Criminal Procedure shall in addition to any other requirements of the Rules of Criminal Procedure, show that counsel for the moving party has personally requested a stipulated order from opposing counsel, which request was refused.~~

~~**b. a. Incarcerated Defendants.** When the defendant is incarcerated in jail and does not waive the right to appear, the deposition of a witness shall be noticed and held either at the jail or within the courthouse.~~

~~**e. b. Disclosure of Wiretapping and Eavesdropping.** Where the state has obtained evidence, information, or recorded material pursuant to an ex parte order for wiretapping and eavesdropping (A.R.S. § 13-3010), the state may comply with Rule 15.1(b)(1), Arizona Rules of Criminal Procedure, by application to the court for an appropriate order that all such matters sealed or locked in the Office of the Clerk of the Superior Court be made available to defense counsel for inspection and copying. The original tape recording obtained through wiretapping or eavesdropping orders may only be released for duplication or inspection by court order.~~

Rule 4.54.10. Speedy trial Post-Conviction Relief

~~All written requests under Rule 8.3, Rules of Criminal Procedure (Right to speedy trial of persons in prison within or without the state), shall be delivered to the presiding criminal judge for appropriate disposition.~~

~~**a. Rule 32 Assignment Judge.** The presiding criminal judge shall designate one (1) judge of the superior court as the Rule 32 Assignment Judge. The Rule 32 Assignment Judge shall oversee the Rule 32 Management Unit and shall preside over the preliminary stages of post-conviction relief matters.~~

~~**b. Initial Assignment.** In all post-conviction relief matters except as specified in paragraph (c) of this rule, upon the filing of the notice of post-conviction relief, the matter is assigned by operation of this rule to the Rule 32 Assignment Judge who shall preside over the matter until it has moved beyond the preliminary stages of the post-conviction relief proceedings. If the Rule 32 Assignment Judge has a conflict in a specific case, the presiding criminal judge shall re-assign the case to another judge or the sentencing judge for the preliminary stages.~~

~~**c. Exceptions.** This rule shall not apply to those post-conviction relief matters arising from capital cases or matters in which the judge who imposed the judgment and sentence upon the defendant requests to preside over the matter during the preliminary stages. Post-conviction relief proceedings in cases in which the death penalty was imposed are assigned by operation of this rule to the presiding criminal judge for all preliminary proceedings, unless otherwise assigned or directed by the presiding criminal judge.~~

d. Preliminary Stages. The preliminary stages of a post-conviction relief proceeding shall include but are not limited to the filing of the notice of post-conviction relief, the assignment of counsel, initial requests for discovery or preparation of transcripts and other court documents, requests for extensions of time, setting the briefing schedule, and other requests made by the defendant in regard to the preparation of a petition for post-conviction relief.

e. Assignment to Ruling Judge. Once the Rule 32 Assignment Judge determines that a matter has been fully briefed and all preliminary matters are resolved, the matter shall be assigned to the proper division in accordance with Rule 32.4(e) of the Arizona Rules of Criminal Procedure.

Rule 4.11. Requested voir dire

~~Voir dire questions requested by counsel must be lodged with the assigned trial division not less than twenty-four (24) hours prior to the day set for trial.~~

Rule 4.12. Post-Conviction Relief

~~**a. Referral to Clerk.** When a letter or other writing is received by the court administrator, a judge or any other employee which appears in any way to seek some relief from a sentence but which is not in the form of a petition for post-conviction relief, the writing will be referred to the Office of the Clerk of the Superior Court.~~

~~**b. Post-Conviction Relief Forms.** When such a letter or other writing is received by the clerk, either directly or from the court administrator, a judge or any other court employee, the clerk shall return the writing to the defendant. Copies of criminal Forms V and XXV, Rules of Criminal Procedure, shall also be sent with the writing to the defendant with a letter explaining that the relief sought in the writing will be considered only if the forms are properly completed and returned and that the letter or writing may be attached to Form XXV.~~

~~**c. Forms Forwarded to Presiding Criminal Judge.** Copies of all such post-conviction relief forms will be immediately forwarded to the presiding criminal judge. When a case is on appeal, the clerk shall also forward copies of such forms to the appellate court in accordance with Rule 32.4(b), Rules of Criminal Procedure.~~

~~**d. Appointment of Counsel.** The presiding criminal judge shall appoint counsel, if necessary, and send a copy of such completed post-conviction relief forms to that counsel.~~

Rule ~~4.6~~ 4.13. Revocation of probation; Petition and Violation Report

~~**a. Notification of Adult Probation Department.** Before the county attorney files a petition to revoke probation, the county attorney shall notify the Adult Probation Department of the intention to do so and determine whether violation proceedings are being contemplated by the Adult Probation Department.~~

~~**b.** A copy of a petition to revoke probation shall be attached to the warrant or summons served upon the defendant. A copy of the violation of probation report filed by the supervising adult probation officer shall be made available for inspection by the defendant and the defendant's counsel not less than forty-~~

eight (48) hours prior to the disposition hearing.

Rule ~~4.7~~ 4.14. Restoration of ~~e~~Civil ~~r~~ights

a. Filing. Applicants for restoration of civil rights, and/or the right to possess a firearm, and/or to set aside a judgment pursuant to subsections paragraph (b) and below and for restoration of civil rights pursuant to paragraph (c) below shall use the appropriate form provided by the Clerk of the Superior Court, Court Administrator or Adult Probation Department for both. The Clerk of the Superior Court shall distribute the application and order granting the requested relief. An application for restoration of civil rights shall be filed with the clerk of this court who shall obtain an order from the presiding judge setting to the application for hearing appropriate judicial officer as directed by the Presiding Judge.

b. Application for Restoration after State Court Conviction. An application for restoration of civil rights and/or the right to possess a firearm pursuant to A.R.S. §§ 13-905 and 906, and to vacate plea or verdict and to dismiss charges pursuant to A.R.S. § 13-907, shall be captioned in the original criminal cause number.

c. Application for Restoration after Federal Court Conviction. An application for restoration of civil rights by discharged federal probationers or prisoners pursuant to A.R.S. §§ 13-909 and 910 shall be filed as a civil action with the Clerk of the Superior Court. The Clerk of the Superior Court shall distribute the application to the appropriate judicial officer as directed by the Presiding Judge.

d. Notification. Copies of applications under ~~subsection~~ paragraph (b) above shall be mailed or delivered by the Clerk of the Superior Court to the county attorney or the Attorney General and Adult Probation Department. Copies of applications under subsection paragraph (c) above shall be mailed or delivered by the Clerk of the Superior Court to the United States Attorney and the United States Probation and Parole Office at the United States Courthouse, Phoenix, Arizona.

e. Objections to Applications. Objections or responses in opposition to applications under this rule shall be in writing filed with the Clerk of the Superior Court and copies thereof shall be mailed or delivered to the applicant or the applicant's representative and a copy lodged with the presiding criminal judge not less not more than four (4) fifteen (15) days before the hearing date after notification was mailed pursuant to paragraph (d) above.

Rule ~~4.8~~ 4.15. Pretrial ~~r~~Release of ~~p~~Persons ~~e~~Charged with ~~m~~Misdemeanors

a. Criteria for Release. The Presiding Judge of the Superior Court, after consulting with the Presiding Judge of the Phoenix Municipal Court, may establish criteria for release of persons charged with misdemeanors, including an appropriate bond schedule.

The Presiding Judge of the Superior Court and the Presiding Judge of the Phoenix Municipal Court may appoint one (1) or more staff members of the respective courts' pretrial release programs to authorize the release of, and establish the conditions of release for persons charged with misdemeanors who meet the criteria or conditions for release established by the Presiding Judge, including the posting of bond, if any.

b. Promise to Appear. If release is authorized, the person charged shall, prior to release from custody,

sign a written promise to appear. The promise shall specify the date, time, and address of that person's next appearance.

c. Failure to Appear. If the person charged fails to keep the promise to appear, as provided in paragraph (b), a warrant may issue for that person's arrest.

Rule 4.9. Grand Jury

All returns from the grand jury shall be concluded by 5:00 p.m. unless otherwise approved by the presiding criminal judge or designee.

RULE 5. PROBATE/MENTAL HEALTH CASES [ABROGATED]

Rules 5.1 to 5.19 Abrogated Feb. 9, 2009, effective Jan. 1, 2009

RULE 6. FAMILY COURT DEPARTMENT CASES

Rule 6.1. General Administration

a. Goals of the Family Court Department. The goals of the Family Court Department (hereinafter referred to as the "Family Court") shall include: (1) ~~E~~nsuring that children are adequately supported financially and emotionally, including regular and meaningful time with both parents when possible and appropriate; (2) ~~P~~reventing family violence and protecting victims of family violence; and (3) ~~P~~rocessing cases fairly, promptly, and efficiently, using non-adversarial means to the extent possible and appropriate. The ~~C~~court recognizes that persistent parental conflict is harmful to children.

b. Assignment of Judges and Presiding Judge of the Family Court. The Presiding Judge of the Superior Court shall designate the presiding judge of the Family Court and a sufficient number of judges and commissioners to carry ~~our~~ out properly the responsibilities of the department under existing laws and rules. The presiding judge of the Family Court shall exercise supervisory authority over the Family Court divisions as prescribed by laws, rules, and the Presiding Judge of the Superior Court.

c. Scope and Responsibilities of Family Court Divisions. The Family Court divisions shall be responsible for handling all matters arising under Title 25, Arizona Revised Statutes, including all matters described in Rules 6.3 ~~and 6.9~~. Additionally, the Presiding Judge of the Superior Court shall have the authority to designate Family Court judges as Juvenile Court Department judges pursuant to Title 8, Arizona Revised Statutes. Family Court judges designated as Juvenile Court Department judges shall be authorized to handle all matters arising under Title 8, Arizona Revised Statutes.

d. Family Court Calendars and Case Numbers. Family Court calendars and case numbers shall be assigned and maintained as prescribed by written Administrative Orders or Policies and Procedures of the department.

Rule 6.2. General Rules Relating to Procedure

a. Applicability of Other Rules. The provisions of the Arizona Rules of Civil Procedure apply to

proceedings in Family Court only when incorporated by reference in the Arizona Rules of Family Law Procedure. Rules 1 through 3 of the Superior Court Local Rules, Maricopa County, except where inconsistent with other provisions of this Rule 6 or the Arizona Rules of Family Law Procedure, shall also apply to proceedings in Family Court.

b. Motion Copies to Trial Judge. Unless a document is electronically filed, at the time of the filing of the original with the Clerk of the Superior Court a copy of each motion, objection, exception and memorandum shall be presented to the judge of the division to which the case has been assigned or with the Court Administrator if the case has not been assigned. The original of all motions and notices shall show the presentation of a copy of the division to which the case has been assigned.

~~**b. Notice of Appearance.** An attorney filing a petition, complaint, response, answer, or petition for order to appear on behalf of a party shall also file a Notice of Appearance. Once the attorney has filed a Notice of Appearance, the Clerk of the Court shall then send all minute entries to the attorney at the address stated in the Notice of Appearance.~~

c. Motions to Compel. Unless otherwise ordered by the court, when a motion for an order compelling discovery is brought pursuant to Rule 65(A)(2) of the Arizona Rules of Family Law Procedure, the moving party shall set forth, separately from a memorandum of law, the following in separate, distinct, numbered paragraphs:

(1) the question propounded, the interrogatory submitted, the designation requested, or the inspection requested;

(2) the answer, designation, or response received; and

(3) the reason(s) said answer, designation, or response is deficient.

The foregoing requirement shall not apply where there has been a complete and total failure to respond to a discovery request or set of discovery requests.

d. Stipulations and Motions; Proposed Forms of Orders.

(1) All stipulations shall be accompanied by a proposed form of order or submitted in the form of a stipulated order. Unless the document is electronically filed, the party submitting the stipulation shall include with it copies to be conformed, together with envelopes stamped and addressed to each party who has entered an appearance in the case. If the order is signed, no minute entry shall issue.

(2) Unless the document is electronically filed, any motion accompanied by a proposed form of order shall also include with it copies to be conformed, together with envelopes stamped and addressed to each party who has entered an appearance in the case. If the order is signed, no minute entry shall issue.

e-e. Notice of Withdrawal of Attorney of Record. When a judgment, decree, or other appealable order in a Family Court case has become final and is not subject to appeal, and when there are no pending hearings, trials, or other proceedings before the court, an attorney of record who does not intend to continue representing a party shall file a Notice of Withdrawal of Attorney, stating that the attorney will no longer represent the party, and stating the last known address and telephone number of the party

who will no longer be represented. The attorney shall provide a copy of the Notice to the party who will no longer be represented, and to all other parties or their attorneys, if they are represented by counsel. Once an attorney has appeared on behalf of a party, that attorney will be deemed attorney of record for that party until such time as the attorney or the party files a Notice of Withdrawal of Attorney of Record as set forth above, and upon filing of such Notice, the attorney shall no longer be deemed attorney of record for that party.

d. Child Support and Spousal Maintenance Payments. ~~All child support and spousal maintenance payments shall be made through the Support Payment Clearinghouse, except upon stipulation of the parties with approval of the court. The party ordered to make any such support or maintenance payments through the Support Payment Clearinghouse shall also be ordered to pay a fee for the handling of child support and/or spousal maintenance payments as set forth in A.R.S. § 25-510(D)).~~

~~**e. Sanctions.** Any party or attorney for a party appearing at the trial, a trial conference, or any hearing or conference held in a Family Court case who has not complied with these rules at the time of such appearance may be ordered by the court to comply immediately before proceeding. If any attorney fails to appear at and participate in good faith in any hearing or conference scheduled by the court or required by these rules, fails to prepare fully therefor, or fails to comply in good faith with the rules governing the procedures in a Family Court case, a judge or commissioner of the Family Court shall make such order as permitted by law, including a judgment of dismissal against that counsel's client; the reassignment of the case to a deferred position on the active calendar; the assignment of the case to the inactive calendar; the taxation of costs or attorneys' fees then or subsequently incurred; or the imposition upon either counsel or either party of further sanctions or penalties provided by statute, rule, or authority of the court, including contempt of court.~~

Rule 6.3. General Rules Relating to Pleading Early Case Management

a. Procedure for Pre-Decree Cases. All cases in which a response has been filed are subject to early case management and alternate dispute resolution procedures as defined by the Presiding Judge or the Presiding Judge's designee in an Administrative Order that defines the case types and processes to be used in the early resolution of the case. The assigned Family Court judge may exempt cases from these procedures for good cause.

b. Procedure for Post-Decree Cases. The Presiding Judge or the Presiding Judge's designee may by Administrative Order define the case types, early case management and alternative dispute resolution procedures authorized by the Arizona Rules of Family Law Procedure in the early resolution of post-decree cases.

c. Required Attendance and Sanctions. All parties subject to early case management or alternative dispute resolution procedures are required to attend any conferences scheduled by the court. The trial court may impose any sanctions allowed by rule or statute on any party required to comply with the early case management procedures who fails to comply.

a. Commencement of Action. A party may commence an action in Family Court by filing an original verified petition, complaint, or voluntary acknowledgment of paternity with the clerk of the superior court, and pay the required filing fee. For a petition, the parties shall be denominated Petitioner and Respondent; for a complaint, the parties shall be denominated Plaintiff and Defendant. Once an action is

filed, if either party files a subsequent petition in that cause of action, the parties shall be denominated as they were in the original filing.

b. Case Caption. ~~The caption of the original petition, complaint, or voluntary acknowledgment of paternity shall describe the nature of the action or proceedings as follows: Conciliation; Legal Separation; Legal Separation in Covenant Marriage; Annulment; Dissolution of Marriage, either with or without Children; Dissolution of Covenant Marriage, either with or without Children; Paternity; Maternity; Voluntary Acknowledgment of Paternity; Child Custody by Parent; Child Custody or Visitation by Non-Parent; Enforcement of Out-of-State Custody Decree; Domestication of Foreign Judgment; Grandparent or Great-Grandparent Visitation; Establishment, Enforcement, Registration, or Modification of Support, or Application for Issuance of a Warrant to Take Physical Custody of a Child.~~

c. Form of Pleading.

(1) *Petition.* ~~A party shall commence the following actions by filing a verified Petition with the clerk of the superior court: Annulment (A.R.S. § 25-301); Dissolution (A.R.S. § 25-312); Legal Separation (A.R.S. § 25-313); Child Custody by Parent (A.R.S. § 25-401(B)(1)); Dissolution of Covenant Marriage (A.R.S. § 25-903); and Legal Separation in Covenant Marriage (A.R.S. § 25-904); except that a Petition for Conciliation (A.R.S. § 25-381.09) shall be submitted to Conciliation Services.~~

(2) *Notice of Filing Foreign Judgment.* ~~A party shall commence an action for Disposition of Property (A.R.S. § 25-318(A)) or Maintenance (A.R.S. § 25-319(A)) pursuant to the decree from a foreign court by filing the foreign judgment pursuant to A.R.S. §§ 12-1701 to 1708. Once the party has filed the foreign judgment, the party may file a Petition for Order to Appear specifying the relief sought.~~

(3) *Paternity and Maternity.* ~~A party shall commence an action for Paternity (A.R.S. § 25-806(A)) or Maternity (A.R.S. § 25-806(B)) by filing a verified Complaint with the clerk of the superior court. If paternity or maternity was established in an action or voluntary acknowledgment of paternity filed in the State of Arizona and a party seeks to establish or modify custody or visitation (A.R.S. § 25-803(C)), or to establish, enforce, register, or modify support (A.R.S. §§ 25-621 to 661), that party shall do so by filing a Petition for Order To Appear in the same action that established paternity or maternity or in which paternity was acknowledged. If paternity or maternity was established by some means other than an action or voluntary acknowledgment of paternity filed in the State of Arizona and a party seeks to establish or modify custody or visitation, or to establish, enforce, register, or modify support, that party shall do so by filing a Petition.~~

(4) *Voluntary Acknowledgment of Paternity.* ~~A party seeking to acknowledge paternity voluntarily may do so by filing with the clerk of the superior court any of the documents listed in A.R.S. § 25-812.~~

(5) *Application for Issuance of a Warrant to Take Physical Custody of a Child.* ~~A person seeking the immediate production of a child or children may seek such relief by filing a verified Application for Issuance of a Warrant to Take Physical Custody of a Child.~~

(6) *Petition for Order to Appear.* ~~For any pre-decree or post-decree action to establish, enforce, modify, or terminate any order of the Court not specifically listed above [or specifically provided elsewhere], a party shall commence the action by filing a Petition for Order To Appear with the clerk of the superior court.~~

d. Family Court Cover Sheet. ~~Along with all original filings, the party shall include a Family Court Cover Sheet in the form and containing the information designated by the Presiding Judge of the Family Court.~~

e. Additional Filings.

~~(1) *Summons and Preliminary Injunction.* Along with the original petition for Annulment, Dissolution, Legal Separation, Dissolution of Covenant Marriage, or Legal Separation in Covenant Marriage, the party shall present to the clerk of the court a Preliminary Injunction for issuance pursuant to A.R.S. § 25-315(A), and a Summons and a copy of the Summons so that the clerk of the court may issue the Summons and issue the copy of the Summons for service on the opposing party.~~

~~(2) *Summons.* Along with the original petition for Child Custody by Parent, Paternity, or Maternity, the party shall present to the clerk of the court a Summons and a copy of the Summons so that the clerk of the court may issue the Summons and issue the copy of the Summons for service on the opposing party.~~

~~(3) *Notices, Forms, and Orders.* A party filing a petition or complaint shall present to the clerk of the court for issuance the Notices, Forms, and Orders as designated by the Presiding Judge of the Family Court, including but not limited to the Child Support Information Form.~~

f. Service on the Opposing Party.

~~(1) *Summons, Preliminary Injunction, and Petition.* In an action for Annulment, Dissolution, Legal Separation, Dissolution of Covenant Marriage, or Legal Separation in Covenant Marriage, the petitioner shall serve upon the opposing party a copy of the Petition, a copy of the Summons, the Preliminary Injunction issued pursuant to A.R.S. § 25-315(A), and the Notices, Forms, and Orders as designated by the Presiding Judge of the Family Court.~~

~~(2) *Summons and Petition or Complaint.* In an action for Child Custody by Parent, Paternity, or Maternity, the petitioner shall serve upon the opposing party a copy of the Petition or Complaint and a copy of the Summons, and the Notices, Forms, and Orders as designated by the Presiding Judge of the Family Court.~~

g. Mandatory Responsive Filings. The opposing party in an action for Annulment, Dissolution, Legal Separation, Child Custody by Parent, Dissolution of Covenant Marriage, Legal Separation in Covenant Marriage, Paternity, or Maternity who has been served with a petition or a complaint shall respond by filing a Response to the petition or an Answer to the complaint. In the event the opposing party in one of these proceedings does not file a Response, an Answer, or an Oral Answer as permitted by A.R.S. § 25-806(C), the party who filed the action will have the right to file for a default and receive a default judgment under Rule 6.4.

h. Optional Responsive Filings. Unless the Court specifically orders a party to file a Response or other specific pleading, any Response to a Petition for Order to Appear is optional.

Rule 6.4. Default and Judgment of Default

a. Default. When a party has filed a petition for Annulment, Dissolution, Legal Separation, Child-Custody by Parent, Dissolution of Covenant Marriage, or Legal Separation in Covenant Marriage, or a complaint for Paternity, or Maternity, and the petition or complaint has been properly served upon the opposing party, and the opposing party fails to plead or otherwise defend as provided by these rules and the Arizona Rules of Civil Procedure, the filing party may proceed to Default in accordance with Rule 55(a) of the Arizona Rules of Civil Procedure, and the Soldiers' and Sailors' Civil Relief Act of 1940, 50 App. U.S.C. §§ 501-593, if applicable.

b. Judgment of Default. When Default has been entered against the opposing party, the filing party may obtain a Judgment of Default in accordance with Rule 55(b) of the Arizona Rules of Civil Procedure. All motions for entry of a Decree of dissolution without a hearing are to be submitted to the Family Court Administrator's Office.

c. Informing Defaulted Party. In all Family Court cases wherein a Decree of Dissolution is entered by default, except those cases resulting from default after service by publication, the party obtaining the decree shall certify that, within 24 hours of that party's receipt of the decree, that party will mail a copy of the decree to the other party at the other party's last known address, and shall place a record of the mailing on the decree. Failure to comply with this rule shall not affect the validity of the decree entered, affect the time to appeal, or relieve a party from any obligations.

Rule 6.5. Differentiated Case Management

a. Purposes. The purpose of Differentiated Case Management (DCM) is as follows:

(1) To provide a forum and procedure for early intervention and the fair and orderly management of appropriate cases prior to trial;

(2) To set deadlines for steps necessary either to resolve a case or prepare it for trial; and

(3) To facilitate the preparation of a Stipulation regarding any of the issues in the case, Position Statements, Joint Pretrial Statement, Statement of Agreement and Disagreement, or Consent Decree.

b. Applicability and Procedure. All cases in which a response has been filed are subject to DCM except (1) that the Presiding Judge of the Family Court may by administrative order exempt cases in which the petition and the response are filed by attorneys representing the petitioner and the respondent, respectively, or in which the Court is otherwise informed that both parties are represented by counsel, and neither party requests to participate in the DCM process; or (2) as otherwise directed by the Presiding Judge of the Family Court or the assigned judge. All parties subject to DCM are required to attend the DCM conference. The trial court may impose sanctions on any party required to comply with the DCM procedures who does not do so.

c. The DCM Conference. Where applicable, the DCM Case Manager shall set a DCM Conference, and shall notify the parties of the date and time and the conditions under which the conference will be held.

(1) *Appearance by Telephone.* If a party is incarcerated or lives outside of Maricopa County, or for other good cause, the DCM Case Manager may allow one or both parties to appear by telephone. A party wishing to appear by telephone shall submit a written request to the DCM Case Manager at least three

days prior to the scheduled conference. If the DCM Case Manager grants the request, the party making the request shall initiate and pay for the telephone call.

~~(2) *Interpreters.* Any party who requires an interpreter shall advise Family Court Administration at least three days prior to the scheduled conference.~~

~~(3) *Conduct and Sanctions.* The DCM Case Manager will have the discretion to terminate any conference if the DCM Case Manager believes a party is not making a good faith effort to comply with the DCM procedures.~~

~~(4) *Rescheduling.* Any requests for a continuance must be in writing and must be received by Family Court Administration at least two weeks prior to the scheduled conference date, and will be granted only for good cause. Requests made within two weeks of the scheduled conference will only be granted for exceptional reasons. A DCM Conference will be vacated for the following reasons: (1) A judge or commissioner has already ruled and made a final disposition of the matter; (2) the parties have submitted a stipulation to dismiss signed by both parties; or (3) the parties have submitted a Consent Decree signed by both parties.~~

~~(5) *Communications.* All communications regarding the DCM Conference shall be in writing and delivered by postal service, personal delivery, or fax, and shall include the date of the request, the case number, the name of the party or attorney making the request, the name of the DCM Case Manager, and the reason for the request. No party or counsel shall communicate ex parte with the DCM Case Manager. All communications shall be in writing and shall certify that a copy was mailed or hand-delivered to the opposing party or his or her counsel.~~

d. Joint Certification. ~~As an alternative to the Differentiated Case Management process, the parties may proceed by Joint Certification (JCE) in accordance with the policies and procedures of the Family Court.~~

~~(1) *Filing of Joint Certificate.* Within 30 days after the date the Response is filed, the parties must file a Joint Certification Notice (the JCE Notice). If the parties file the JCE Notice more than 30 days after the date the Response is filed, the case may proceed by the JCE process only with the approval of the assigned DCM Case Manager or the assigned judge.~~

~~(2) *JCE Notice.* The parties shall use the Family Court JCE Notice or a substantially similar form, and shall adhere to the time limits specified in that form. The JCE Notice shall contain the uppercase letters "JCE" in the lower left hand corner.~~

~~(3) *Final Documents.* At the Completion of the JCE process, the parties shall submit either (1) a Consent Decree, (2) a Motion To Set and Joint Pretrial Statement pursuant to Rule 38.1, Arizona Rules of Civil Procedure, or (3) a Statement of Disagreement and a Statement of Binding Agreement.~~

~~After the parties have filed the JCE Notice, the DCM Case Manager will not set the case for a conference unless any party, the DCM Case Manager, or the judge requests that a conference be held. If the parties do not comply with discovery requests or fail to file a Motion To Set and Certificate of Readiness, a Joint Pre-Trial Statement, or a Statement of Disagreement and Statement of Binding Agreements, the DCM Case Manager will set a DCM Conference, which the parties and attorneys must~~

attend.

Rule 6.6. Consent Decree

a. General. Whenever the petitioner and respondent agree to the terms of a legal separation, annulment, dissolution, paternity, or maternity action, the parties may elect to proceed by consent Decree, Order, or Judgment upon a showing that the required appearance fees have been paid or deferred. Additionally, for an annulment, dissolution, and legal separation, 60 days must have passed since the service of process or acceptance of service prior to the submission of the consent decree. To proceed, the parties shall jointly submit a Stipulation to Proceed by Consent Decree and a Consent Decree, Order, or Judgment that states the terms upon which the parties have agreed. The judge, commissioner, or family court officer assigned to the case shall determine whether the parties have met the requirements for a Decree, Order, or Judgment by consent.

b. Stipulation. The Stipulation shall include all terms to comply with current Family Court policy and shall state (1) that the parties agree to proceed by consent, (2) that each party believes no duress or coercion is involved, and (3) that, for any dissolution or legal separation, each party believes that any division of property is fair and equitable. The Stipulation shall also state that each party understands (1) that each party (a) may retain legal counsel of his or her choice and (b) is waiving the right to trial, and (2) that the judicial officer has the discretion to reject the Consent Decree, Order, or Judgment if it fails to comply with these Rules or Arizona law. If children are involved and the parties are requesting joint custody, the parties shall indicate whether domestic violence has occurred, and the extent of any such violence, and for a paternity or maternity action, the parties must identify the natural mother and father. If children are involved, each party shall complete a Parent Information Program and shall include proof of attendance. The Stipulation shall be dated, and if a party is represented by counsel, counsel shall sign the stipulation, and if a party is not represented by counsel, the party shall sign the stipulation and have that signature acknowledged by a notary public.

c. Decree, Order, or Judgment. The Decree, Order, or Judgment shall comply with the following requirements:

1. If a party is represented by counsel, counsel shall sign the Decree, Order, or Judgment, and if a party is not represented by counsel, the party shall sign the Decree, Order, or Judgment.

2. If any party is receiving benefits under Temporary Assistance for Needy Families (TANF) (formerly AFDC) or the Title IV-D program, the parties shall obtain the written approval of the Attorney General for any specified child support amount.

3. In any action for dissolution, annulment, or legal separation, the parties shall indicate the following:

a. Whether the marriage is or was a covenant marriage;

b. Whether there are children common to the parties; and

c. Whether the wife is pregnant with a child common to the parties.

d. When Children Are Involved. When there are children common to the parties, the parties shall

include the following:

1. ~~A separate Parenting Plan, or else provide custody and access provisions in their Decree, Order, or Judgment. The parenting plan shall be signed by both parents, and each joint custody plan shall comport with all requirements of A.R.S. § 25-403(F).~~
2. ~~A Parent's Worksheet for Child Support Amount, signed by at least one party or that party's counsel.~~
3. ~~Copies of each parent's Parent Information Program Certification of Completion.~~
4. ~~A completed Order of Assignment including current employer information sheet.~~
5. ~~A completed Judgment Data Sheet.~~

Rule 6.7. Temporary Orders

a. Petitions for Temporary Orders. ~~A party seeking temporary orders under A.R.S. §§ 25-315, 25-404, or 25-817 shall do so by filing with the Clerk of the Court a verified petition setting forth with specificity all relief requested. If a party is requesting financial relief, that party must file a completed Affidavit of Financial Information with the Petition. The party must submit to the assigned Judicial Officer the original and three copies of an Order To Appear, and three copies of the Petition, and three copies of any Affidavit of Financial Information that was included with the Petition. The Clerk of the Court shall file in the Court file the original Petition, Affidavit of Financial Information and Order to Appear, signed by the assigned judicial officer.~~

b. Order To Appear. ~~Upon the delivery of the Petition for Temporary Orders and Order To Appear, and completed Affidavit of Financial Information if required, the Court may either set the matter for a 15-minute Return Conference or an Evidentiary Hearing.~~

c. Service. ~~The moving party shall serve all parties with the required documents indicated in section (a) in accordance with the Arizona Rules of Civil Procedure. Service shall be completed at least 3 judicial days prior to the date of the Return Conference or the Evidentiary Hearing, unless otherwise ordered by the Court.~~

d. Requirements Prior to Return Conference. ~~If the Court has set the matter for a 15-minute Return Conference and if one or both parties are represented by counsel, counsel or counsel and the other party shall meet and confer before the Return Conference and attempt to resolve as many issues as possible. If the parties are not represented by counsel, and if there are no orders of protection or other orders of the court prohibiting contact, the parties shall meet and confer before the Return Conference and attempt to resolve as many issues as possible. If the moving party is requesting financial relief and has filed a completed Affidavit of Financial Information, the other party must file a completed Affidavit of Financial Information and provide a copy of that Affidavit to the moving party at least three judicial days before the Return Conference. If the other party fails to file a completed Affidavit of Financial Information, the Court may impose sanctions.~~

e. Return Conference for the Evidentiary Hearing. ~~All parties and, if represented, counsel must be present at any Return Conference set by the Court. The Court upon written motion may allow a party or~~

counsel to appear by telephone upon a finding of good cause. The parties shall identify for the Court any issues they have been able to resolve and the contested issues the Court will have to resolve. If the Court determines there remain issues of fact to be resolved in order to grant the relief requested, the Court may set the matter for an Evidentiary Hearing or may make other appropriate orders.

f. Failure to Appear at a Return Conference. If a party fails to appear at a Return Conference after service, the Court may make such orders as are just, including granting the relief requested by the party who appears.

g. Requirements Prior to an Evidentiary Hearing. If one or both parties are represented by counsel, counsel or counsel and the other party shall meet in person or by telephone no less than 3 judicial days prior to the date set for the Evidentiary Hearing and attempt to resolve as many issues as possible. If the parties are not represented by counsel, and if there are no orders of protection or other orders of the court prohibiting contact, the parties shall meet in person or by telephone no less than three judicial days prior to the date set for the Evidentiary Hearing and attempt to resolve as many issues as possible. At least three days prior to the hearing, the parties shall exchange any exhibits to be offered at the hearing, a list of the names and addresses of all witnesses who may testify, and if child support is at issue, the Parent's Worksheet for Child Support Amount.

Rule 6.8. Pre-Trial and Pre-Hearing Procedures

a. Motions To Set and Certificates of Readiness. Any party desiring to have a Family Court case placed upon the active calendar and set for trial shall follow the procedures set forth in Rule 38.1, Arizona Rules of Civil Procedure. All Motions To Set and Certificates of Readiness shall certify that the parties have completed, or have had a reasonable opportunity to complete, all procedures under Rules 26 to 37 of the Arizona Rules of Civil Procedure at the time of filing of the Certificate of Readiness.

b. Joint Pre-trial or Pre-hearing Statement. In every Family Court case set for trial, including any bifurcated portion of such trial and all post-decree hearings for modification of child custody, counsel who will try the case for the parties and who are authorized to make binding stipulations on behalf of the parties shall meet personally and prepare a written joint pre-trial or joint pre-hearing statement signed by each counsel, and shall file that joint pre-trial or joint pre-hearing statement with the court no later than five days prior to the date set for trial or hearing. If there has been a failure by either or both counsel to meet and prepare the joint pre-trial or joint pre-hearing statement, the court as a sanction may do any of the following: impose any of the sanctions or penalties provided by Rule 6.2(e) of these rules or any other rule, statute, or authority of the court; continue the trial or hearing; enter an interim award of relief to the requesting party based on that party's spouse's affidavit; award the requesting party the attorneys' fees incurred in preparing for and attending the hearing, trial, or conference scheduled by the court. For purposes of making an interim award, the court, on its own motion, may examine the party requesting such interim relief if it deems such examination necessary. The court may preclude the opposing party from introducing any evidence and from cross-examining the requesting party for purposes of making an interim award.

c. Contents of the Joint Pre-trial or Pre-hearing Statement. The pre-trial or pre-hearing statement in Family Court cases shall contain the following:

(1) A statement of the contested and uncontested issues of fact or law to be presented to the court. With-

~~respect to contested issues, each party shall set forth a brief statement of that party's proposal how the court should resolve it.~~

~~(2) A detailed itemized inventory of the community, joint tenancy, and other property held in common by the parties, and the separate property of each party. This inventory shall set forth the date the property was acquired, by what title the parties hold the property, the amount of encumbrance thereon, and each party's evaluation of the fair market value of the property. The parties shall use the court approved form, "Inventory of Property in Family Court Action," for the information required under this rule.~~

~~(3) A list of the names and addresses of all witnesses expected to be called at the time of trial, either for direct examination or impeachment.~~

~~(4) A list of all exhibits each party expects to offer at the time of trial together with a description sufficient to identify each exhibit. The parties shall indicate which exhibits they have agreed will be admissible at trial and if there is objection, the specific objection that will be made if the exhibit is offered.~~

~~(5) A statement that the parties have completed all pre trial discovery procedures under Rules 26 to 37, Arizona Rules of Civil Procedure, and that all answers and supplemental answers to interrogatories under Rules 33 and 33.1, Arizona Rules of Civil Procedure, reflect facts known to the date of the pre-trial or pre-hearing statement.~~

~~(6) A statement that counsel have discussed settlement in good faith.~~

~~(7) A statement of the parties' estimate of the time necessary for trial.~~

~~(8) A statement that each party has received a copy of the joint pre trial or pre hearing statement and that each party has exchanged true and correct copies of all exhibits, and any written reports of experts who have been listed on the list of witnesses.~~

d. Restrictions on Exhibits and Witnesses. ~~Unless ordered otherwise by the assigned Judicial Officer, no party may call any witness or offer any exhibit not listed in the joint pre trial or pre hearing statement.~~

e. Exhibits. ~~Unless ordered otherwise by the assigned Judicial Officer, all exhibits for any hearing or trial shall be presented for marking to the Clerk of the division of the assigned Judicial Officer no later than noon on the day before the hearing or trial. The Clerk shall retain the exhibits for the hearing or trial, and shall mark an exhibit as received at such time as the Court admits the exhibit in evidence.~~

f. Continuances. ~~No continuances shall be granted after a case has been set for trial except on written motion setting forth grounds recognized by statute or rule, or for good cause shown. Stipulations for continuances shall be regarded as a joint motion to continue and must set forth grounds recognized by statute or rule, or for good cause shown. No trial setting shall be vacated or continued except by formal order of the court.~~

g. Inactive Calendar. ~~All Family Court cases in which a Motion to Set and Certificate of Readiness has not been filed within six months after the commencement of the proceedings shall be placed on the~~

~~inactive calendar by the court administrator. All Family Court cases remaining on the inactive calendar for two months shall be dismissed without prejudice for lack of prosecution in accordance with Rule 38.1, Arizona Rules of Civil Procedure.~~

Rule 6.9. Post-Decree and Post-Judgment Procedure

~~**a. Commencement of Action.** A party seeking post-decree or post-judgment relief may do so by filing a Petition for Order To Appear as provided below, a request for the Expedited Process as provided below, or a request for the Simplified Modification Process as provided below. The parties shall be denominated Petitioner and Respondent as they were in the Decree of Dissolution of Marriage or Judgment.~~

~~**b. Petition for Order to Appear.** A party proceeding by means of a Petition for Order To Appear shall file with the Clerk of the Court a verified petition setting forth with specificity all relief requested, and pay the required filing fee. In all petitions for contempt, or for relief in reference to a prior order of the court, or for modification of a prior order of the court, the petition shall set forth the pertinent portion of the prior order, the date the order was entered, and the name of the judge or commissioner who entered the order, if known. In the event the prior order is so voluminous that it makes it impractical to include it in the petition verbatim and the order is contained in the official court file of the case, the order may be incorporated into the petition by reference. If the party is seeking a change in the amount of child support, the party must include with the Petition a proposed Parent's Worksheet for Child Support Amount. If the party is seeking a change in the amount of spousal maintenance, the party shall include with the Petition a current Affidavit of Financial Information. The party must submit to the assigned Judicial Officer the original and three copies of an Order To Appear, and three copies of the Petition, and three copies of any Parent's Worksheet for Child Support Amount or Affidavit of Financial Information that was included with the Petition.~~

~~**c. Expedited Process.** [Experimental Rule 6.9 (c) effective until January 31, 2006 (R-02-00260)].~~

~~**d. Simplified Modification Process.** A party seeking to modify support and proceeding by means of the Simplified Modification Process shall file with the Clerk of the Court a request for Simplified Modification, accompanied by a Parent's Worksheet for Child Support Amount, and pay the required filing fee. The parties shall then follow the procedure specified in Section 22(b) of the Arizona Child Support Guidelines, Appendix to A.R.S. § 25-320.~~

~~**e. Procedure Prescribed by A.R.S. §§ 25-502 through 25-504.** A party seeking to modify support pursuant to A.R.S. §§ 25-327, 25-502 through 25-504, and Section 22(a) of the Arizona Child Support Guidelines, Appendix to A.R.S. § 25-320, shall follow the procedure set forth by those sections.~~

~~**f. Alternative Procedure by the Court.** If a party seeks to establish support, modify support, or enforce support, medical insurance coverage, medical or dental cost reimbursement, spousal maintenance, custody, or visitation by filing with the Court a Petition for Order To Appear, the Court may treat that petition as a filing under the procedure for the Expedited Process and forward that petition to the appropriate Administrative agency for processing pursuant to the Expedited Process.~~

~~**g. Order To Appear.** If a party has filed a Petition for Order To Appear and the Court has not treated that petition pursuant to the Expedited Process as provided in Subsection (c) above, the Court shall~~

~~either set the matter for a 15-minute Return Conference or an Evidentiary Hearing.~~

~~**h. Service.** The moving party shall serve all parties with the required documents indicated in section (b) in accordance with the Arizona Rules of Civil Procedure. Service shall be completed at least three judicial days prior to the date of the Return Conference or the Evidentiary Hearing, unless otherwise ordered by the Court.~~

~~**i. Requirements Prior to Return Conference.** Unless otherwise ordered by the Court, the parties shall comply with the following. If the Court has set the matter for a 15-minute Return Conference and if one or both parties are represented by counsel, counsel or counsel and the other party shall meet and confer before the Return Conference and attempt to resolve as many issues as possible. If the parties are not represented by counsel, and if there are no orders of protection or other orders of the court prohibiting contact, the parties shall meet and confer before the Return Conference and attempt to resolve as many issues as possible. If the moving party is requesting financial relief and has filed a completed Affidavit of Financial Information, the other party must file a completed Affidavit of Financial Information and provide a copy of that Affidavit to the moving party at least three judicial days before the Return Conference.~~

~~**j. Return Conference for the Evidentiary Hearing.** All parties and, if represented, counsel must be present at any Return Conference set by the Court. The Court upon written motion may allow a party or counsel to appear by telephone upon a finding of good cause. The parties shall identify for the Court any issues they have been able to resolve and the contested issues the Court will have to resolve. If the Court determines there remain issues of fact to be resolved in order to grant the relief requested, the Court may set the matter for an Evidentiary Hearing or may make other appropriate orders.~~

~~**k. Failure to Appear at a Return Conference.** If a party fails to appear at a Return Conference after service, the Court may make such orders as are just, including granting the relief requested by the party who appears.~~

Rule 6.4. Exhibits

Unless ordered otherwise by the assigned judicial officer, all exhibits for any hearing or trial, except protective order proceedings, shall be presented for marking to the clerk of the division of the assigned judicial officer no later than noon on the day before the hearing or trial. The clerk shall retain the exhibits for the hearing or trial, and shall mark an exhibit as received at such time as the court admits the exhibit in evidence.

Rule 6.5-6.10. Mediation, Open Negotiation, Arbitration, and Settlement. Other ADR Services for Legal Decision-Making and/or Parenting Time (Open Negotiation)

a. Purpose. The intent of this rule is to encourage the resolution of family-related cases through an additional using non-adversarial alternative dispute resolution process created pursuant to the authority of Rule 68(E) of the Arizona Rules of Family Law Procedure means to the extent possible. Mediation independent of the court is encouraged.

b. Mandatory Mediation or Open Negotiation. All Family Court cases that involve a controversy over legal decision-making child custody or parenting time (also called visitation or parent-child access) shall

be subject to mediation or open negotiation regarding those issues. The court or Conciliation Services shall determine whether mediation, open negotiation, or other services are appropriate in a particular case, unless the parties agree to mediation independent of the court.

(1) *Mediation*. Mediation is defined in A.R.S. § 12-2238(F) and Rule 67(B) of the Arizona Rules of Family Law Procedure. Mediation may be conducted by a Conciliation Services mediator or an independent mediator agreed upon by the parties. Mediation proceedings shall be held in private, and all communications, verbal or written, shall be confidential except as provided in A.R.S. § 12-2238(B). The mediator may not conduct any subsequent family assessment or evaluation in the same case unless the parties file a written notice consenting thereto, signed by both parties and counsel, if any.

(2) *Open Negotiation*. Pursuant to Rule 66(B)(5) of the Arizona Rules of Family Law Procedure, ~~Open~~ negotiation is a process of non-confidential negotiations between the parties conducted by a neutral third party (the Conciliator) or Conciliation Services negotiator to attempt to resolve their dispute. All information presented or gathered is not confidential, any disputed issues are reported to the court and may be used by Conciliation Services; or any court-appointed evaluator; for any subsequent family assessment or evaluation. The presiding judge of the Family Court or the assigned judge may exempt cases in which the petition and response are filed by attorneys representing the parties, or in which the court is otherwise informed that one (1) or both parties are represented by counsel.

c. (3) Commencement.

(a) *Commencement of ~~Mediation or~~ Open Negotiation by the Court*. When it appears on the face of a pleading that either legal decision-making child custody or parenting time of a minor child is contested, the court ~~shall~~ may refer the matter to ~~an independent mediator, or to~~ Conciliation Services for ~~mediation or~~ open negotiation, prior to or concurrently with the setting of the matter for hearing or trial. The court may order ~~mediation or~~ open negotiation at any other time after filing of the petition.

(b) *Commencement of ~~Mediation or~~ Open Negotiation by Petition of Parent*. If there is a disagreement between the parents concerning legal decision-making child custody or parenting time, either or both parents may file with the court and serve upon the other parent, or counsel if represented, a Petition for ~~Mediation or~~ Open Negotiation. The court will then refer the parents to Conciliation Services for ~~mediation or~~ open negotiation in accordance with these rules, ~~or the parents may agree to independent mediation pursuant to this rule unless otherwise ordered by the court.~~

d.(4) Scheduling. When a matter has been ordered for mediation or open negotiation by Conciliation Services, either on the court's motion or at the petition of one (1) or both parents, Conciliation Services will schedule a conference or conferences that both parties must attend. Attorneys may not attend the conference. ~~Mediation or~~ Open negotiation of the legal decision-making child custody or parenting time dispute, ~~either by Conciliation Services or an independent mediator pursuant to this rule;~~ must take place and be completed before the trial or hearing on legal decision-making child custody or parenting time.

(5) *Mediation Conference*. ~~The mediator will conduct a conference or conferences in an effort to carry out the purpose of this rule. Counsel for the parties shall be provided an opportunity to confer with the mediator prior to the first conference and shall be excluded thereafter, when, in the discretion of the mediator, exclusion of counsel by the mediator is deemed to be appropriate. The mediator shall be~~

~~entitled to interview the child or children and all persons having any relation to the controversy when deemed appropriate by the mediator.~~

~~(6) *Open Negotiation Conference.* The negotiator will conduct a conference or conferences in an effort to carry out the purpose of this rule. Counsel for the parties shall be entitled to attend all open negotiation conferences. The negotiator shall be entitled to interview the child or children and all persons having any relation to the controversy when deemed appropriate by the negotiator.~~

e. (7) Agreements. Any agreements reached as a result of ~~mediation or~~ open negotiation must be placed in writing, signed by both parties pursuant to Rule 69 of the Arizona Rules of Family Law Procedure and presented to the court for approval. Agreements may include agreed upon areas of disagreement. The court shall retain final authority to accept, modify, or reject the agreement. Upon the court's entry of a written order to that effect, the ~~mediation~~ agreement shall be considered binding. ~~In the event that no agreement is reached, the mediation or open negotiation shall be considered unsuccessful. In any event,~~ ~~†~~The mediator or negotiator shall notify the court in writing when ~~mediation or~~ open negotiation has been concluded.

f. (8) Disagreements. After ~~mediation or~~ open negotiation, Conciliation Services shall report to the ~~C~~ourt any unresolved issues or areas of disagreement, including without attributing the positions of the parties on such unresolved issues or areas of disagreement and the reasons therefor.

~~(9) *Subsequent Proceedings.* In the event all issues of child custody and parenting time are not resolved by mediation or open negotiation. Conciliation Services may proceed to conduct any other services deemed appropriate without further court order. Conciliation Services shall notify the court in writing of all other services initiated and the approximate amount of time required for completion of each service.~~

g. (10) Failure to Appear. The parties are required to appear at all scheduled ~~mediation and~~ open negotiation conferences. If one (1) or both parties fail to appear, the ~~mediator or~~ negotiator may report to the court the identity of each person who failed to appear, and the court may take such action as it deems appropriate, including the assessment of a no-show fee.

c. Independent Mediation.

~~(1) *Selection.* In lieu of Conciliation Services and unless otherwise ordered by the court, the parties may select by agreement an independent mediator who is not a family counselor with Conciliation Services. The parties shall contract directly with the independent mediator and be responsible for payment of the fee for such mediation.~~

~~(2) *Commencement.* If an independent mediator is selected, the parties or counsel, if any, shall sign and file with the court a written notice that independent mediation will take place. The notice shall set forth the name of the mediator and date set for the first mediation conference. If independent mediation is not concluded by the time set for trial or hearing, the parties may be ordered to Conciliation Services for mediation or open negotiation.~~

d. Arbitration. The parties may agree to arbitrate any and all issues in accordance with the Arizona Arbitration Act, A.R.S. §§ ~~12-1501 to 1518~~.

~~**e. Settlement Conferences.** The court shall develop policies and procedures for the conduct of settlement conferences in family related cases. To the extent possible, settlement conferences shall be conducted by family law attorneys acting as judges pro tem.~~

Rule 6.11. Conciliation Services.

~~a. Conciliation Counseling.~~

~~(1) *Petition for Conciliation.* As provided in A.R.S. § 25.381.09, a petition for conciliation shall be filed submitted to Conciliation Services by either or both spouses with or without a marital dissolution or separation action pending in court. When a petition for conciliation is filed directly with the clerk of court, the clerk of court shall deliver the original petition to Conciliation Services.~~

~~(2) *Period of Jurisdiction; Stay of Proceedings.* When such a petition is accepted, a period of jurisdiction of up to 60 days is established to allow the counseling process to be conducted and completed. During this time neither spouse may file for separation or dissolution or, if such an action has already been filed, it may not be advanced.~~

~~**b. Mediation and Open Negotiation.** Mediation and Open Negotiation shall be conducted pursuant to Rule 6.10.~~

~~c. Assessment and Evaluation.~~

~~(1) *Referral by the Court.* The court may refer cases to Conciliation Services for assessment and/or evaluation regarding child custody, parenting time, or visitation issues.~~

~~(2) *Report to the Court.* Upon completion of the assessment or evaluation services, or upon the parties reaching an agreement regarding the child custody, parenting time or visitation issues in dispute, Conciliation Services will notify the court of completion of the assessment or evaluation and will provide the court with a written report. The parties and counsel, if any, will be provided copies of the report. The report may include recommendations to the court regarding child custody, parenting time or visitation plans consistent with the best interests of the children.~~

Rule 6.12. Family Court Advisor.

~~**a. Appointment.** In any proceeding under Title 25, A.R.S., [FN1] involving children, the court may appoint a Family Court Advisor if it finds any of the following:~~

- ~~1. The parents are persistently in conflict with one another;~~
- ~~2. There is a history of parental alienation, substance abuse by either parent, or family violence;~~
- ~~3. There are serious concerns about the mental health or behavior of either parent;~~
- ~~4. The children include infants or toddlers;~~
- ~~5. A child has special needs; or~~

6. It would otherwise be in the children's best interests to do so.

b. Scope and Duration of Appointment. The court order appointing the Family Court Advisor shall specify the duration and scope of the appointment, which may include but shall not be limited to: ~~Assisting with implementation of court orders; making limited decisions as specified by the court; and making recommendations to the court regarding implementation, clarification, modification and enforcement of any temporary or permanent custody or parenting time orders. The Family Court Advisor shall not have authority to make any decision that changes legal custody or substantially changes physical custody. The court shall order the costs and fees of the Family Court Advisor apportioned between the parties as may be appropriate.~~

c. Additional Authority of Family Court Advisor. ~~The Family Court Advisor may interview all members of the immediate and extended family or household of both parties. The Family Court Advisor may interview and request information from any persons who the Family Court Advisor deems to have relevant information. The Family Court Advisor may request that the court order the parties and/or children to participate in ancillary services, to be provided by the court or third parties, including but not limited to physical or psychological examinations or assessments, counseling, and alcohol and/or drug monitoring and testing. The court shall allocate between the parties the cost of any ancillary services ordered.~~

d. Immunity. ~~The Family Court Advisor has immunity in accordance with Arizona case law as to all acts undertaken pursuant to and consistent with the appointment order of the court.~~

e. Persons Who May Serve as Family Court Advisor. ~~A Family Court Advisor may be an attorney who is licensed to practice law in Arizona; a psychiatrist who is licensed to practice medicine or osteopathy in Arizona pursuant to Title 32, Chapter 13 or Chapter 17, [FN2] and who is board certified or board eligible in psychiatry; a psychologist who is licensed to practice psychology in Arizona pursuant to Title 32, Chapter 19.1; [FN3] a person who is certified by the State of Arizona pursuant to Title 32, Chapter 33, [FN4] as a social worker, counselor, marriage and family therapist, or substance abuse counselor; or such other class of persons as approved by the court. The court may prescribe additional requirements for service as Family Court Advisor.~~

[FN1] Section 25-101 et seq.

[FN2] Sections 32-1401 et seq., 32-1800 et seq.

[FN3] Section 32-2061 et seq.

[FN4] Section 32-3251 et seq.

Rule 6.13. Guardian ad litem

a. ~~In any proceeding under these rules involving children, the court may appoint a guardian ad litem to protect a child's best interests if it finds any of the following:~~

1. ~~There is an allegation of abuse or neglect of a child;~~
2. ~~The parents are persistently in conflict with one another;~~

- ~~3. There is a history of parental alienation, substance abuse by either parent, or family violence;~~
- ~~4. There are serious concerns about the mental health or behavior of either parent;~~
- ~~5. The children include infants or toddlers; or~~
- ~~6. A child has special needs.~~

~~The guardian ad litem may be an attorney or a court appointed special advocate.~~

~~b. The court may appoint a guardian ad litem through a volunteer program or through the Office of Court Appointed Counsel, except the court shall not appoint a guardian ad litem through the Office of Court Appointed Counsel unless the court believes that a child may be the victim of child abuse or neglect as defined in A.R.S. § 8-201.~~

~~**Rule 6.14. Expired effective January 31, 2006.**~~

RULE 7. JUVENILE CASES

Rule 7.1. General Social Studies for Adoptions

For purposes of the social study required for an adoption by A.R.S. § 8-112, the court may presume the records checks are timely if completed no earlier than the following: (a) three (3) years before the petition to adopt was filed for the federal criminal records check; and (b) one (1) year before the petition to adopt was filed for the state criminal records check and central registry records check. The court may consider stale records checks upon a showing of good cause, and may order additional records checks as appropriate under A.R.S. § 8-112.

~~All hearings and procedures relating to juvenile and adoption matters and habeas corpus involving juveniles under the jurisdiction of the juvenile court shall be heard by the judges of the juvenile divisions or juvenile court commissioners.~~

Rule 7.2. Discovery

a. Disclosure by State

~~(1) *Matters Relating to Adjudication.* No later than ten (10) days after the advisory hearing, the county attorney shall make available to the juvenile for examination and reproduction the following material and information within the county attorney's possession or control:~~

~~(i) The names and addresses of all persons whom the county attorney will call as witnesses at the adjudication hearing in the county attorney's case in chief together with their relevant written or recorded statements;~~

~~(ii) All statements of the juvenile and of any other juvenile for whom there is a companion adjudication hearing scheduled for the same time;~~

~~(iii) The names and addresses of experts who have personally examined the juvenile or any evidence in the particular case, together with the results of physical examinations and of scientific tests, experiments or comparisons, including all written reports or statements made by them in connection with the particular case;~~

~~(iv) A list of all papers, documents, photographs or tangible objects which the county attorney will use at the adjudication, and upon further written request shall make available to the juvenile for examination, testing and reproduction any specified items contained in the list. The county attorney may impose reasonable conditions, including an appropriate stipulation concerning chain of custody, to protect physical evidence produced under this section; and~~

~~(v) All material or information which tends to mitigate or negate the juvenile's alleged delinquent conduct.~~

~~(2) *Extent of County Attorney's Duty to Obtain Information.* The county attorney's obligation under this rule extends to material and information in the possession or control of members of the county attorney's staff and of any other persons who have participated in the investigation or evaluation of the case and who are under the county attorney's control.~~

~~(3) *Disclosure by Order of Court.* Upon motion of the juvenile showing that the juvenile has substantial need in the preparation of the juvenile's case for additional material or information not otherwise covered by Rule 7.2(a) of these rules, and that the juvenile is unable without undue hardship to obtain the substantial equivalent by other means, the court in its discretion may order any person to make it available to the juvenile. The court may, upon the request of any person affected by the order, vacate or modify the order if compliance would be unreasonable or oppressive.~~

b. Disclosure by Juvenile

~~(1) *Physical Evidence.* At any time after the filing of the petition, upon written request of the county attorney, the juvenile shall in connection with the allegations of the petition:~~

~~(i) Appear in a line up;~~

~~(ii) Speak for identification by witnesses;~~

~~(iii) Be fingerprinted, palmprinted, footprinted or voiceprinted;~~

~~(iv) Pose for photographs not involving re-enactment of an event;~~

~~(v) Try on clothing;~~

~~(vi) Permit the taking of samples of hair, blood, saliva, urine or other specified materials which involve no unreasonable intrusions of the juvenile's body;~~

~~(vii) Provide handwriting specimens; or~~

~~(viii) Submit to a reasonable physical or medical inspection, provided such inspection does not include~~

~~psychiatric or psychological examination.~~

~~The juvenile shall be entitled to the presence of counsel at the taking of such evidence. This rule shall supplement and not limit any other procedures established by law.~~

~~(2) *Notice of Defenses.* No later than twenty (20) days after the advisory hearing but not less than three (3) days prior to the adjudication hearing, the juvenile shall provide the county attorney with written notice specifying all defenses as to which the juvenile will introduce evidence at the hearing, including, but not limited to alibi, insanity, self-defense, entrapment, impotency, marriage, mistaken identity, and good character. The notice shall specify for each defense the persons, including the juvenile, who will be called as witnesses at trial in support thereof. It may be signed by either the juvenile or the juvenile's counsel and shall be filed with the court.~~

~~(3) *Disclosures by Juvenile.* Simultaneously with the notice of defenses submitted under Rule 7.2(b)(2) of these rules, the juvenile shall make available to the county attorney for examination and reproduction:~~

~~(i) The names and addresses of all persons, other than the juvenile, who will be called as witnesses at the adjudication hearing, together with all statements made by them in connection with the particular case;~~

~~(ii) The names and addresses of experts who will be called at the adjudication hearing, together with the results of physical examinations and of scientific tests, experiments or comparisons, including all written reports and statements, made by them in connection with the particular case; and~~

~~(iii) A list of all papers, documents, photographs, and other tangible objects which the juvenile will use at the adjudication hearing.~~

~~(4) *Additional Disclosure upon Request and Specification.* The juvenile, upon written request, shall make available to the county attorney for examination, testing, and reproduction any specified items contained in the list submitted under Rule 7.2(b)(1) of the rules.~~

~~(5) *Extent of Juvenile's Duty to Obtain Information.* The juvenile's obligation under this rule extends to material and information within the possession or control of the juvenile, the juvenile's attorneys and agents.~~

~~(6) *Disclosure by Order of the Court.* Upon motion of the county attorney showing that the county attorney has substantial need in preparation of the case for additional material or information not otherwise covered by Rule 7.2(b)(1) of these rules, that the county attorney is unable without undue hardship to obtain the substantial equivalent by other means, and that disclosure thereof will not violate the juvenile's constitutional rights, the court in its discretion may order any person to make such material or information available to the county attorney. The court may, upon request of any person affected by the order, vacate or modify the order if compliance would be unreasonable or oppressive.~~

c. General Standards. ~~In all discovery under this rule the following shall apply:~~

~~(1) *Statements.*~~

~~(i) Definition: Whenever it appears in Rule 7.2 of these rules, the term "statement" shall mean:~~

~~(a) A writing signed or otherwise adopted or approved by a person;~~

~~(b) A mechanical, electrical or other recording of a person's oral communications or a transcript thereof; and~~

~~(c) A writing containing a verbatim record or a summary of a person's oral communications.~~

~~(ii) Superseded Notes: Handwritten notes which have been substantially incorporated into a statement shall no longer themselves be considered a statement.~~

~~(2) *Materials Not Subject to Disclosure.*~~

~~(i) Work Product. Disclosure shall not be required of legal research or of records, correspondence, reports or memoranda to the extent that they contain the opinions, theories or conclusions of the county attorney, members of the county attorney's legal or investigative staff or law enforcement officers, or of defense counsel or defense counsel's legal or investigative staff.~~

~~(ii) Informants. Disclosure of the existence of an informant or of the identity of an informant who will not be called to testify shall not be required where disclosure would result in substantial risk to the informant or to the informant's operational effectiveness, provided the failure to disclose will not infringe the constitutional rights of the juvenile.~~

~~(3) *Definitions.*~~

~~(i) Wherever in these rules reference is made to the juvenile it means the named person in a petition alleging that person's delinquent conduct.~~

~~(ii) Wherever in these rules reference is made to the adjudication hearing it means the transfer hearing and revocation of probation hearing as well as the adjudication hearing.~~

~~(4) *Use of Materials.* Any materials furnished to an attorney pursuant to this rule shall not be disclosed to the public but only to others to the extent necessary to the proper conduct of the case.~~

d. Excision and Protective Orders

~~(1) *Discretion of the Court to Deny, Defer or Regulate Discovery.* Upon motion of any party showing good cause the court may at any time order that disclosure of the identity of any witness be deferred for any reasonable period of time not to extend beyond five (5) days prior to the date for adjudication, or that any other disclosures required by this rule be denied, deferred or regulated when it finds:~~

~~(i) That the disclosure would result in a risk or harm outweighing any usefulness of the disclosure to any party; and~~

~~(ii) That the risk cannot be eliminated by a less substantial restriction of discovery rights.~~

~~(2) *Discretion of the Court to Authorize Excision.* Whenever the court finds, on motion of any party, that~~

~~only a portion of a document or other material is discoverable under these rules, it may authorize the party disclosing it to excise that portion of the material which is nondiscoverable and disclose the remainder.~~

~~(3) *Protective and Excision Order Proceedings.* On motion of the party seeking a protective or excision order, or submitting for the court's determination the discoverability of any material or information, the court may permit that party to present the material or information for the inspection of the court alone. Counsel for all other parties shall be entitled to be present when such presentation is made.~~

~~(4) *Preservation of Record.* If the court enters an order that any material, or any portion thereof, is not discoverable under this rule, the entire text of the material shall be sealed and preserved in the record to be made available to the appellate court in the event of an appeal.~~

~~**e. Continuing Duty to Disclose.** If at any time after a disclosure has been made any party discovers additional information or material which would be subject to disclosure had it then been known, such party shall promptly notify all other parties of the existence of such additional material and make an appropriate disclosure.~~

~~**f. Sanctions.** If at any time during the course of the proceeding it is brought to the attention of the court that a party has failed to comply with any provisions of this rule or any order issued pursuant thereto, the court may impose any sanction which it finds just under the circumstances, including, but not limited to:~~

~~(1) Ordering disclosure of the information not previously disclosed;~~

~~(2) Granting a continuance;~~

~~(3) Holding a witness, party, or counsel in contempt;~~

~~(4) Precluding a party from calling a witness, offering evidence, or raising a defense not disclosed; and~~

~~(5) Declaring a mistrial when necessary to prevent a miscarriage of justice.~~

~~**g. Non-Severability.** Should the provisions of Rule 7.2(b)(2) or (3) of these rules be found unenforceable, then the provisions of Rule 7.2(a)(1)(i) of these rules shall also be inoperable, null and void.~~

Rule 7.2-7.3. Motions

Unless otherwise ordered by the court or unless the case is subject to electronic filing, At the time of the filing of the original with the Clerk of the Superior eCourt, a copy of each motion, objection, exception and memorandum shall be presented to the judge of the division to which the case has been assigned or to the eCourt aAdministrator if the case has not been assigned. The original of all motions and notices shall show the presentation of a copy to the division or to the eCourt aAdministrator, as the case may be.

RULE 8. TAX CASES

Rule 8. Tax Cases.

Pursuant to Article 4, Chapter 1, Title 12 of the Arizona Revised Statutes, Superior Court tax cases are to be heard in the Arizona Tax Court. Statutes define the jurisdiction of the Tax Court, and provide for the selection of its judge or judges.

The Arizona Tax Court is the Tax Department of the Superior Court in Maricopa County. Local rules relating to practice in the Tax Court are to be found in the Rules of Practice for the Arizona Tax Court.

RULE 9. APPEALS DEPARTMENT CASES

Rule 9.1. Scope

- a.** The Appeals Department of the Superior Court shall be established in Maricopa County to hear and decide appellate cases, including those described within this rule.
- b.** The Appeals Department shall exercise the appellate and special action jurisdiction of the Superior Court over all criminal, civil (including Orders of Protection and Injunctions Against Harassment), and civil traffic cases from the limited jurisdiction courts within Maricopa County. The Appeals Department shall also hear all administrative appeals taken pursuant to the Administrative Review Act (A.R.S. §§ 12-901 to 12-914 ~~et seq.~~), all special actions filed in the Superior Court, and such other matters as may be assigned by the presiding judge or the presiding judge's designee.

Rule 9.2. Administration

- a.** The Appeals Department is under the administrative supervision of the presiding judge of the Superior Court who shall establish the personnel and budget requirements for that department.
- b.** The presiding judge shall designate the judge(s) or commissioner(s) who shall be assigned to the Appeals Department for an initial appointment of at least three (3) years.
- c.** The clerk of the Appeals Department shall be a deputy Clerk of the Superior Court.
- d.** Cases assigned to the Appeals Department shall be assigned a number by the elder Clerk of the Superior ecourt beginning with an alphabetical prefix, "LC". Otherwise all Appeals Department cases shall be numbered as prescribed by the Clerk of the Superior Court.

Rule 9.3. Priority of ecriminal appeals

Criminal appeals and special actions involving criminal cases shall have priority over all other matters in terms of scheduling and disposition.

Rule 9.4. Record on appeal

- a.** All cases shall be submitted for determination based upon a verbatim record of proceedings, and those

written matters consisting of the pleadings and papers designated, or required by rule to be included within the record on appeal from the limited jurisdiction court or administrative agency or administrative law judge. The parties may stipulate to a determination upon less than a complete record.

b. The verbatim record in limited jurisdiction courts may consist of audio, video, digital, transcription, or other method of recording as approved by the Supreme Court. Verbatim records of ~~less than ninety~~ (90) minutes or more in total length or duration ~~need not~~ must be transcribed into a written format.

Rule 9.5. Change of Judge

A change of judge in the Appeals Department shall be granted only for cause, and there shall be no automatic right to change of judge.

Rule 9.6. Copies of Pleadings to Assigned Judge

The parties or their counsel shall provide one (1) copy of each motion, response, reply, objection, and memorandum that is filed with the Clerk of the Superior Court, at the same time it is filed, to the assigned judicial officer or the eCourt Administrator for the Appeals Department, unless the case is subject to electronic filing or unless the court otherwise orders. This rule shall not apply to criminal, civil and civil traffic appeals from limited jurisdiction courts, except where transferred for a trial de novo or transferred for disposition of a procedural motion pursuant to Rules 8(c) of both the Superior Court Rules of Appellate Procedure-Criminal and the Superior Court Rules of Appellate Procedure-Civil.

Rule 9.7. Oral Arguments

The time for oral argument shall be limited to ~~five (5)~~ fifteen (15) minutes per side, unless ~~additional a~~ different time is requested and approved by the court.

Rule 9.8. Reporting of Oral Arguments and Hearings

Oral arguments, hearings, trials de novo, and scheduling conferences before the Appeals Department may be officially reported upon timely written request to the assigned judicial officer within the Appeals Department at least five (5) calendar days prior to the scheduled proceeding. A failure to timely request a court reporter shall constitute a waiver.

Rule 9.9. Time for Ruling

The time for determination of all matters assigned to the Appeals Department shall be sixty (60) days from the date a case is at issue following oral argument, or sixty (60) days following assignment and the submission of a case without oral argument.

Rule 9.10. Trials or Hearings De Novo

a. The provisions of Rule 9.10 shall apply only to appeals from the limited jurisdiction courts.

b. The Appeals Department shall review all cases summarily transferred for a trial de novo and

independently determine the sufficiency of the record. Where the record may be supplemented or the insufficiency within the record concerns a matter not relevant to the issue(s) on appeal, no trial de novo shall be ordered, but the matter shall be determined on the record.

c. The Appeals Department shall have the authority to review the sufficiency of the record in all matters, and to order a trial de novo when the record submitted by the limited jurisdiction court is found to be insufficient.

d. Trials de novo of criminal and criminal traffic matters will comply with the requirements of Rule 30, Arizona Rules of Criminal Procedure, and shall be set for trial within forty 40 days of the date of the notice of appeal. A request for jury trial in criminal cases where the parties are entitled to a jury trial must be made in writing within five (5) days of the assignment of the case to a judicial officer.

e. Cases summarily transferred to the Superior Court for trial de novo or determined by the Appeals Department to have an insufficient record may be remanded ~~back~~ to the original trial court for a new trial or hearing in lieu of a trial de novo. Unlike trials de novo held in the Superior Court, the parties in a case remanded for a trial de novo in the original trial court pursuant to this rule, shall have the rights of appeal as provided by statute or rule for all litigants following a trial or judgment.

Rule 9.11. Publication of dDecisions

a. Designation for publication. The Appeals Department ~~may~~, upon its own motion or the motion of any party, may designate its decisions for publication in the manner prescribed by Rule 111, Rules of the Supreme Court.

b. When disposition to be by opinion. Dispositions of matters before the court may be by written opinion when the judge determines that the matter:

- (1) establishes or clarifies a rule of law;
- (2) calls attention to a rule of law that appears to have been generally overlooked;
- (3) criticizes existing law; or
- (4) involves a legal or factual issue of unique interest or substantial public importance.

RULE 10. REGIONAL JUDICIAL DISTRICT

Rule 10.1 Regional Judicial Districts

Regional Judicial Districts refer to distinct branches of the Superior Court of Arizona in Maricopa County as shall be defined by the Presiding Judge through Administrative Order.

Rule 10.2. Assignment of eCases to Regional Judicial Districts

a. Qualifying. Subject to the removal provisions of Local Rule 10.3, Superior Court cases initiated in or

transferred to Maricopa County shall be assigned to one (1) of the Regional Judicial Districts based on the address zip code set forth on the initial filing of the petitioning or plaintiff party, or if that party is represented by counsel, then based on the address zip code set forth on the initial filing by the attorney for the petitioner or plaintiff. By the Administrative Order, the Presiding Judge shall designate which zip codes within Maricopa County fall within specific Regional Judicial Districts.

b. Judicial Designation.

(1) The Presiding ~~of the County, Judge~~ (or designee) may designate any out-of-county matter that is being litigated in Maricopa County to another Regional Judicial District.

(2) The Presiding Judge ~~of the County, (or designee,)~~ may designate a particular case or category of cases to be assigned to a specific Regional Judicial District by Administrative Order or other policy directive.

Rule 10.3. Procedures for ~~t~~Transfer to and ~~r~~Removal from an ~~a~~Assigned Regional Judicial District

a. Requests. A party desiring to transfer a case to or remove a case from a particular Regional Judicial District shall file a motion or stipulation requesting transfer, and shall specify the grounds for transfer. The motion or stipulation shall be served upon the judge to whom the case is presently assigned. Absent good cause shown, a request for transfer or removal shall not be filed less than sixty (60) days before trial.

b. Rulings. The court shall rule upon the assignment objections without oral argument unless requested by the judge. The court may consider, in addition to the factors set forth in Rule 10.2(a), the following factors:

(1) ~~L~~ocation of events or circumstances out of which the alleged cause of action arose;

(2) ~~L~~ocation or residences of all parties involved;

(3) ~~L~~ocation of the parties' respective legal counsel;

(4) ~~T~~he number and convenience of the parties' witnesses;

(5) ~~T~~he financial impact of the situs of the litigation on the parties and witnesses; and/or

(6) ~~A~~ny other relevant factor indicating good cause for transferring the case to or removing the case from an assigned Regional Judicial District.

c. Change of ~~j~~Judge. A change of judge, whether as a matter of right or for cause, shall not cause the removal of a qualified case from the assigned Regional Judicial District. In the event a request for change of judge is filed, the Presiding Judge ~~for the County,~~ or the designated ~~R~~regional ~~P~~residing ~~J~~judge, shall reassign the case to another judge either regularly or specially assigned to the designated Regional Judicial District if such reassignment is administratively practical.

Rule 10.4. Administration--Regional Judicial Districts

a. ~~Days of court.~~ Judicial Assignments. ~~The days that the~~ Judicial officers assigned to Regional Judicial Districts shall hold court and their term shall be designated by the Presiding Judge for the County.

b. ~~Judicial Assignments.~~ ~~Judicial Officers assigned to Regional Judicial Districts and their term shall be designated by the presiding Judge for the County.~~

e.b. ~~Clerk's Office.~~ The Clerk of the Superior Court shall maintain an office in each of the Regional Judicial Districts. The Clerk of the Superior Court shall receive pleadings and documents for filing, fees, fines, forfeitures, bonds, payments, and other funds in new and pending cases for any of the Regional Judicial Districts except as may otherwise be directed by the Presiding Judge through Administrative Order. The Clerk of the Superior Court shall perform such other powers and duties in each of the Regional Judicial Districts as shall be prescribed by the Presiding Judge in accordance with Rule 92(a)(3), Arizona Rules of the Supreme Court.

dc. ~~Transition and Implementation.~~ All cases filed in the Office of with the Clerk of the Superior Court subsequent to the effective date of this rule, cases pending as of the effective date of this rule, or cases brought back to active status subsequent to the effective date of this rule, may be assigned to a particular Regional Judicial District by the Presiding Judge of the County based on the criteria set forth in Rule 10.2(a).

Rule 10.5. Court ~~r~~Reporters, ~~i~~nterpreters and ~~e~~quipment ~~r~~Requested

a. ~~Court r~~Reporters. If a court reporter is desired for any proceeding to be conducted before a judicial officer within the Regional Judicial Districts, a separate request for each proceeding must be submitted in writing and delivered to the assigned judicial officer at least two (2) judicial days in advance of the day set for the proceeding.

b. ~~Interpreters/Translators.~~ To the extent possible Pursuant to Title VI and consistent with the policies adopted by the Superior Court Administrative Order and policies, the court may shall appoint the Office of Court Interpretation and Translation Services (CITS) to provide interpreter and/or translation services in all Superior Court cases in which a ease: victim, party, and/or witness is limited English proficient and in need of an interpreter and/or translator. A request for appointment of a ~~court interpreter~~ CITS should be submitted in writing and delivered to the assigned judicial officer at least ten (10) judicial days in advance of the hearing date for a Spanish interpreter, and fourteen (14) judicial days for an interpreter for the hearing impaired, and thirty (30) judicial days for or all other languages. The written request must be accompanied by a proposed form of order appointing ~~the Office of the Court Interpreter~~ CITS to provide services. ~~The court may impose the cost of interpreter services on non-indigent parties. In the event the court is unable to appoint the Office of the Court Interpreter, the party needing interpreter services is responsible for providing and paying for an interpreter who, absent leave of the judicial officer before whom the proceeding will take place, meets the qualifications for court interpreters as adopted by the Superior Court.~~

c. ~~Equipment r~~Requested. Requests for equipment to accommodate the special needs of any party or witness must be submitted in writing and delivered to the assigned judicial officer at least five (5)

judicial days in advance of the date of the proceeding.

~~RULE 11. SUSPENSION OF RULES~~

Rule 11. Suspension of Rules

~~Upon application, any judge of this court may suspend any of these Local Rules for good cause shown.~~

RULE 11-12. TITLE AND CITATION

Rule 11-12. Title and Citation

The foregoing rules are hereby promulgated as the Local Rules of Practice for the Superior Court of Arizona in and for Maricopa County and may be known and cited as the Superior Court Local Rules-- Maricopa County.

RULE 12-13. EFFECTIVE DATE

Rule 12-13. Effective Date

These rules shall take effect and be in force on and after ~~September~~ July 1, 2013, on which date all other rules adopted by this court are hereby repealed.